

soldiers of the late war, against the passage of Senate bill No. 496—to the same committee.

By Mr. COFFROTH: The petition of George Drehl, for pay as a lieutenant of Company F, Seventy-seventh Pennsylvania Volunteers, before the date of his muster—to the Committee on Military Affairs.

By Mr. GEORGE R. DAVIS: The petition of Vanschaak, Stevenson & Co., C. B. Wilson and 100 others, druggists of Chicago, Illinois, for the repeal of the stamp tax on proprietary medicines and perfumery—to the Committee on Ways and Means.

By Mr. DE LA MATYR: The petition of Louis Wuest and 37 others, of Indiana, for a change in the revenue laws relating to the tax on cigars—to the same committee.

By Mr. DUNNELL: The petition of W. D. Stenart and 30 others, citizens of Minnesota, for the appointment of a railroad commission—to the Committee on Commerce.

By Mr. HASKELL: Resolutions of the Legislature of Kansas, relating to taxing railroad lands—to the Committee on the Judiciary.

Also, resolutions of the Legislature of Kansas, asking that appropriations be made for the payment of certain Indian-depredation claims—to the Committee on Indian Affairs.

Also, resolutions of the Legislature of Kansas, in relation to the Fort Hays military reservation and the disposition of the same for agricultural purposes—to the Committee on Agriculture.

Also, resolutions of the Legislature of Kansas, for legislation for the protection of stock from disease—to the same committee.

By Mr. HAWLEY: The petition of A. B. Gillett and 480 others, of Hartford, Connecticut, for the repeal of the tax on bank deposits—to the Committee on Ways and Means.

By Mr. MILES: The petition of Lemon F. Osborn, for a pension—to the Committee on Invalid Pensions.

By Mr. MURCH: The petitions of J. A. Evans and 5 others; of George W. Morrill and 9 others; of D. M. Dwight and 24 others; of W. P. Brooks and 31 others; and of Lorin O. Clapp and 158 others, citizens and tax-payers of Massachusetts, that Congress instruct the Secretary of the Treasury to use the surplus funds now in the Treasury to cancel as much of the public debt as can be done therewith—to the Committee on Ways and Means.

By Mr. NEAL: The petition of Daniel McDaniel and 35 others, citizens of Ohio, against the passage of the sixty-surgeons bill—to the Committee on Invalid Pensions.

By Mr. NICHOLLS: Memorial of the city council of Brunswick, Georgia, asking that the quarantine station on Blackbeard Island be continued—to the Select Committee on the origin, introduction, and prevention of Epidemic Diseases in the United States.

By Mr. OSMER: The petition of the Board of Trade of Erie, Pennsylvania, for a harbor of refuge in Milwaukee Bay—to the Committee on Commerce.

By Mr. PHISTER: The petition of Alexander H. Lee and 40 others, citizens of Bracken County, Kentucky, for the amendment of the patent laws, so as to protect innocent purchasers of patented articles—to the Committee on Patents.

Also, the petition of H. B. Asbury and 33 others, citizens of Bracken County, Kentucky, for the passage of laws against transportation monopolies—to the Committee on Commerce.

By Mr. D. P. RICHARDSON: Three petitions of citizens of New York, against the passage of Senate bill No. 496—to the Committee on Invalid Pensions.

By Mr. ROTHWELL: The petitions of James B. Frazier and others, of Randolph County, and of J. A. Wright and others, of Grundy County, Missouri, against the passage of the sixty-surgeons bill—to the same committee.

Also, the petition of John C. Turner, of Clifton Hill, Randolph County, Missouri, for pay for services as a soldier in the Mexican war—to the Committee on Claims.

Also, the petition of Isaac Waters and others, citizens of Missouri, for the equalization of bounties—to the Committee on Military Affairs.

By Mr. J. T. UPDEGRAFF: The petition of G. W. Davis and 29 others, citizens of Belmont County, Ohio, of similar import—to the Committee on Invalid Pensions.

By Mr. WILSON: The petition of Adam White and 50 others, Union soldiers, against the passage of Senate bill No. 496—to the same committee.

By Mr. WOOD: The petition of cigarmakers of Troy, New York, for legislation to prevent the manufacture of cigars in tenement-houses—to the Committee on Ways and Means.

Also, the petition of Terrence Merriam & Co. and 640 others, of Troy, New York, for the repeal of the tax on bank deposits—to the same committee.

IN SENATE.

WEDNESDAY, March 2, 1881.

The Senate met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

CREDENTIALS.

Mr. COKE presented the credentials of SAM. BELL MAXEY, chosen

by the Legislature of Texas a Senator from that State for the term beginning March 4, 1881; which were read and ordered to be filed.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a letter from the Secretary of the Interior, transmitting, pursuant to section 8 of the act of July 22, 1854, plats and papers in sundry private land claims in the Territory of New Mexico; which was referred to the Committee on Private Land Claims, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. PLUMB presented the memorial of D. C. Hallock, and other citizens of Goode, Kansas, soldiers in the late war, remonstrating against the passage of the bill (S. No. 496) providing for the examination and adjudication of pension claims; which was ordered to lie on the table.

He also presented a resolution of the Legislature of Kansas, in favor of granting the Fort Hays military reserve to the State of Kansas for school purposes; which was referred to the Committee on Military Affairs.

He also presented a resolution of the Legislature of Kansas, favoring an appropriation for the payment of what are known as Indian depredation claims; which was referred to the Committee on Indian Affairs.

He also presented a resolution of the Legislature of Kansas, relative to the taxing of railroad lands; which was referred to the Committee on Railroads.

He also presented a resolution of the Legislature of Kansas, which was read and ordered to lie on the table, as follows:

House concurrent resolution No. 29, in relation to Federal legislation for the protection of stock from disease.

Resolved, That our Senators in Congress be instructed and our Representatives requested to make all reasonable efforts to secure Federal legislation for the protection of stock from the disease known as pleuro-pneumonia and the disease known as Texas or Spanish fever.

Resolved further, That the secretary of state be instructed to transmit a copy of this resolution to each of our delegation in Congress.

Adopted by the house February 7, 1881.

W. W. WALTON,
Chief Clerk.

Concurred in by the senate February 12, 1881.

HENRY BRANDLEY,
Secretary.

Mr. BUTLER presented the petition of James F. Gadsden, postmaster at Rantowles, South Carolina, praying for relief from the obligation of making good a loss to the Government caused by a robbery of the post-office at that place; which was referred to the Committee on Post-Offices and Post-Roads.

Mr. VOORHEES presented the petition of F. Mansfield, of Saint Louis, Missouri, praying for the repeal of the internal-revenue tax on friction matches; which was referred to the Committee on Finance.

He also presented the petition of Daniel C. Ashby and 119 others, citizens of Indiana, soldiers in the late war, remonstrating against the passage of the bill (S. No. 496) providing for the examination and adjudication of pension claims; which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. McMILLAN, from the Committee on Claims, to whom was referred the bill (S. No. 1522) for the relief of W. P. Burwell, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

Mr. COCKRELL, The Committee on Claims, to whom was referred the bill (H. R. No. 6360) for the relief of William H. Davis, have duly considered the same, and instruct me to report it favorably without amendment, and recommend the passage of the bill as it came from the House. A bill nearly similar to this passed the Senate and went to the House. It was not concurred in, and this form of bill was sent back.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. GROOME, from the Committee on Claims, to whom was referred the petition of Wiley H. Brown, of Alabama, praying that interest on a certain judgment be refunded, submitted an adverse report thereon; which was ordered to be printed, and the committee were discharged from the further consideration of the petition.

He also, from the same committee, to whom was referred the bill (H. R. No. 1129) for the relief of certain laborers employed upon Government works, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. No. 1625) for the relief of Charles G. Perry, of Indiana, submitted an adverse report thereon; which was ordered to be printed, and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (H. R. No. 6478) for the relief of Levi Price, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. HOAR. I am instructed by the Committee on Claims to report favorably the bill (H. R. No. 4438) for the relief of William Redus. I desire that the bill be placed upon the Calendar without printing the report, as the report merely adopts the House report, and the sending of the papers to the Printer would make it impossible to take up the bill during the present session. I ask that the report be read, so that it may go into the RECORD. It is only a few lines.

The Chief Clerk read as follows:

The Committee on Claims, to whom was referred the bill (H. R. No. 4438) for the relief of William Redus, having considered the same, recommend its passage for the reasons set forth in the House report, which is submitted herewith.

The VICE-PRESIDENT. The bill will be placed on the Calendar.

Mr. BAYARD, from the Committee on Finance, to whom was referred the bill (S. No. 2153) for the relief of George W. Wicks & Co., of Louisville, Kentucky, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. RANDOLPH, from the Committee on Military Affairs, to whom was referred the bill (H. R. No. 3782) for the relief of John H. Shugart and Robert F. Shugart, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

MEMORIAL ADDRESSES ON EVARTS W. FARR.

Mr. ANTHONY. I am directed by the Committee on Printing, to which was referred the joint resolution (H. R. No. 402) to provide for the publication of the memorial addresses on Evarts W. Farr, to report it without amendment, and ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It provides that there be printed 12,000 copies of the memorial addresses delivered in the Senate and House of Representatives upon the life and character of Hon. Evarts W. Farr, late a Representative from the State of New Hampshire, together with a portrait of the deceased; 9,000 copies thereof for the use of the House of Representatives and 3,000 copies for the use of the Senate.

The joint resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

CONTRIBUTIONS TO NORTH AMERICAN ETHNOLOGY.

Mr. WHYTE, from the Committee on Printing, to whom was referred the following concurrent resolution of the House of Representatives, reported it without amendment, and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed at the Government Printing Office 6,000 copies each of volumes 6, 7, 8, 9, and 10 of the Contributions to North American Ethnology, uniform with the preceding volumes of the series, and with the necessary illustrations; 3,000 copies of which shall be for the use of the House of Representatives, 1,000 for the use of the Senate, and 1,970 for distribution by the Bureau of Ethnology.

MUSEUM BUILDING.

Mr. JONES, of Florida, from the Committee on Public Buildings and Grounds, to whom was referred the following concurrent resolution of the House of Representatives, reported adversely thereon, and the committee were discharged from its further consideration:

Resolved by the House of Representatives, (the Senate concurring,) That permission is granted to the Washington Light Infantry Corps of the District of Columbia to use the Museum building on Monday evening, the 7th of March, 1881, provided that no expense shall be thereby incurred to the United States.

ORDER OF BUSINESS.

Mr. HARRIS. I ask unanimous consent of the Senate to proceed at this time to the consideration of the bill (H. R. No. 6033) to pay Hiram Johnson and other persons herein named the several sums of money herein specified, being the surplus of a military assessment paid by them and accounted for to the United States in excess of the amount required for the indemnity for which it was levied and collected.

Mr. BECK. I should like to ask whether the bill is likely to lead to any debate. I am instructed by the Committee on Appropriations to call up the sundry civil bill, a long and difficult bill, which must reach the House to-day; and unless we can begin with it at an early hour this morning it will be impossible for the House to consider it and a conference committee consider it in time for it to reach the President and become a law.

Mr. HARRIS. It is impossible for me to say whether the bill will or will not lead to debate; I think very little, if any; but if the Senate shall take it up and proceed to its consideration it shall not stand in the way of the Committee on Appropriations whenever they desire the right of way for an appropriation bill.

Mr. BECK. I will take the chances for a little while.

Mr. INGALLS. I am very confident that the bill which the Senator from Tennessee wishes to have considered will require explanation and will probably lead to discussion. I suggest to him that in view of the importance of the sundry civil appropriation bill he allow this bill to be taken up and informally laid aside, reserving its place, so that after that bill shall be disposed of it may be considered.

Mr. HARRIS. All that I desire is that the bill shall be taken up, so that whenever we have time to consider it it may be proceeded with. It shall not stand in the way of the sundry civil bill or any other general appropriation bill one moment.

Mr. EATON. I shall object to the bill being taken up if my friend from Tennessee proposes it shall take the place of the bill which really has the right of way here at half past one o'clock.

Mr. HARRIS. The Senator from Connecticut will allow me to explain. The bill that he refers to, and of which he has charge, being the unfinished business after the morning hour, it cannot come up within the morning hour except by postponing the pending orders to take it up.

Mr. EATON. I understand that, and I did not intend to press it in the morning hour.

Mr. HARRIS. Hence if the bill I referred to is taken up it will not interfere with the Senator's bill at all.

Mr. McMILLAN. The bill to which the Senator from Tennessee

refers is one which no doubt will lead to very considerable discussion. Under the rule which has been adopted by the Senate we are to proceed to the consideration of House bills upon the Calendar. The first bill, as I understand it, which would now regularly come up under that order is the bill (H. R. No. 4412) to regulate practice in suits brought to recover damages for infringement of patent. That bill has been considered. I think it retains its place upon the Calendar now. It is a bill in which great interest is felt by many of the Senators, and especially does it interest the constituents which I have the honor in part to represent here.

Mr. HOAR. My friend is wrong about that. The patent bill was amended and went over under an objection.

Mr. McMILLAN. It went to the foot of the Calendar. We have gone through the Calendar and now reach the patent bill again in its regular order.

Mr. HOAR. I do not so understand it.

Mr. McMILLAN. I understand that to be the order of business. Therefore, for the purpose of disposing of the patent bill in which we feel an interest, I shall be compelled to interpose an objection.

Mr. HOAR. The Senator surely seems to be greatly in error about that.

Mr. HARRIS. I move that the pending order be postponed in order that I may then move to proceed to the consideration of the bill that I have indicated.

Mr. McMILLAN. If I am correct in regard to the order of business I shall interpose an objection; otherwise I should not feel inclined to insist upon it; but I think I am right.

The VICE-PRESIDENT. The Chair did not understand the Senator from Minnesota on either occasion, on account of the confusion in the Chamber. The regular order is the consideration of the Calendar of House bills. The Senator from Tennessee moves that that order be postponed, indicating his purpose if that motion prevails to move the consideration of the bill specified by him.

Mr. McMILLAN. I understood the Senator to ask for unanimous consent at the time I had the floor before.

The PRESIDING OFFICER. He did at that time.

Mr. ANTHONY. What is the bill that the Senator from Tennessee proposes to take up?

Mr. HARRIS. It is House bill No. 6033 for the relief of Hiram Johnson and others.

Mr. McMILLAN. I desire to know the position of House bill No. 4412 upon the Calendar at this time. The bill was under consideration on a former day. It was objected to, and under the rule went to the foot of the Calendar, as I understand. We have since that gone through with all the House bills upon the Calendar that were unobjected to, and we now resume the consideration of the House bills that have previously gone to the foot of the Calendar.

The VICE-PRESIDENT. New bills have since been placed on the Calendar.

Mr. HOAR. How does my friend from Minnesota get at the idea that the bill goes to the foot of the Calendar? If he will permit me to state the point as I understand it under the three rules printed at the head of the Calendar, which all are in force though each of them supplements the other, there is a provision for the consideration of the Calendar; and "bills that are not objected to shall be taken up in their order." The first two resolutions expressly provide that; and the last one says the "House bills which have been favorably reported," shall be considered "subject to the rules governing the business of the morning hour;" and bills not objected to are "to be taken up in their order." When a bill is reached on the Calendar and objected to, it is not simply the result of that objection that the bill goes to the foot of the list of bills in that class; it simply ceases to be one of the bills to which the rule applies and remains in its place on the Calendar.

The VICE-PRESIDENT. The Chair has no doubt of that.

Mr. HOAR. We go on and call from the Calendar the House bills that have been favorably reported; and when we get through that class then the Calendar stands. Now my friend from Minnesota understands that if a House bill favorably reported by a Senate committee is objected to it simply goes to the foot of the list of House bills so favorably reported, and when you have got through all others of that class you take that bill up, though it is in the middle of the Calendar. I do not so understand it. I understand that you take up the first bill on the Calendar when you reach the Calendar again.

The VICE-PRESIDENT. The Chair agrees with the Senator fully; he has indicated no other ruling.

Mr. HOAR. I do not understand that the Chair has, but it was to my friend from Minnesota I was replying.

Mr. McMILLAN. Then I ask in what position such a bill stands upon the Calendar?

The VICE-PRESIDENT. A bill which has once been called?

Mr. McMILLAN. A bill which has once been called and passed over.

The VICE-PRESIDENT. Several bills have been placed on the Calendar since. When the Calendar shall have been called through under the special rule introduced on the motion of the Senator from Tennessee, when that rule shall have spent its force, then the Anthony rule will attach to the Calendar, in the opinion of the Chair.

Mr. McMILLAN. Then the first case on the Calendar this morning is the bill to which I have referred.

The VICE-PRESIDENT. The Calendar has not yet been called through under the Harris rule.

Mr. McMILLAN. I am asking the Chair, however, for information, whether the bill will be displaced by the motion of the Senator from Tennessee?

The VICE-PRESIDENT. It will not. It is not affected in any way by it. The question is on the motion of the Senator from Tennessee to postpone the pending order.

The question being put, a division was called for; and the ayes were 29.

Mr. ANTHONY. Let us have the yeas and nays upon this question. The yeas and nays were ordered; and being taken, resulted—yeas 37, nays 19; as follows:

YEAS—37.

Bailey,	Eaton,	Kernan,	Thurman,
Bayard,	Farley,	Lamar,	Vance,
Beck,	Garland,	McPherson,	Vest,
Brown,	Groome,	Maxey,	Voorhees,
Butler,	Hampton,	Morgan,	Walker,
Call,	Harris,	Pendleton,	Wallace,
Cockrell,	Hereford,	Pugh,	Whyte.
Coke,	Hill of Georgia,	Randolph,	
Cenkling,	Jones,	Saulsbury,	
Davis of Illinois,	Jones of Florida,	Slater,	

NAYS—19.

Anthony,	Dawes,	Kirkwood,	Rollins,
Blair,	Ferry,	Logan,	Saunders,
Booth,	Hamlin,	Morrill,	Teller,
Burnside,	Hoar,	Platt,	Windom.
Cameron of Pa.,	Ingalls,	Plumb,	

ABSENT—19.

Allison,	Davis of W. Va.,	Jones of Nevada,	Ransom,
Baldwin,	Edmunds,	Kellogg,	Sharon,
Blaine,	Grover,	McDonald,	Williams,
Bruce,	Hill of Colorado,	McMillan,	Withers.
Cameron of Wis.,	Johnston,	Paddock,	

So the motion was agreed to.

Mr. HARRIS. I move that the Senate do now proceed to the consideration of House bill No. 6033.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 6033) to pay Hiram Johnson and other persons herein named the several sums of money herein specified, being the surplus of a military assessment paid by them and accounted for to the United States in excess of the amount required for the indemnity for which it was levied and collected.

Mr. HOAR. Let us hear the report.

The VICE-PRESIDENT. The Senator from Massachusetts calls for the reading of the report.

Mr. BECK. Before that is done I ask that the bill may be laid aside informally, so that we may proceed with the sundry civil bill.

Mr. HOAR. I have no objection if by unanimous consent it can be laid aside informally.

The VICE-PRESIDENT. It requires unanimous consent. Shall this bill be laid aside informally and without prejudice in order that the Senate may proceed to the consideration of the sundry civil bill?

Mr. HOAR. I think I must object. I think that bill is not entitled to take precedence of the great public questions which are to be left undecided when we adjourn. We ought not to lay aside all the things on the Calendar to correct the proceedings of a military court during the war.

Mr. HARRIS. I hope the Senator from Massachusetts will not interpose an objection that will force me to let the bill go over, when all that I ask is to reach the judgment of the Senate as to the merits of the bill.

I am quite satisfied that the Senator from Massachusetts and every Senator can arrive at a conclusion as to the merit or want of merit of this bill in thirty minutes' time if he will endeavor to do so. I do not desire any hot haste or hurry. The bill has been on the Calendar since last summer, and I feel that I am entitled to ask at the hands of the Senate the expression of its judgment as to the merits of the bill. Satisfied as I am that the claim is in every way meritorious, I feel bound to press it; but I cannot stand in the way of the sundry civil bill, no matter at what sacrifice to the interest of these parties or to my desire in respect of getting a vote on the bill.

Mr. HOAR. Mr. President, the seats of one-third of the Supreme Court of the United States are vacant, and the illness of a single judge deprives that court of a quorum; yet the Senator from Tennessee desires that a Congress which has not time to deal with that grave question shall refrain from considering the public want in that particular, and the public want in a hundred other matters of equal dignity and importance, to retry the proceedings of a court which sat during the war, and which assessed upon the sympathizers with certain wrong-doers \$20 or \$30 a piece too much. Whether the bill ought to pass or not, this is a question not of merits, but of comparative merits. For one it does not seem to me that we should agree that that is the most pressing thing which the American people need to have done by their Congress during these last few days. That is the reason I object.

Mr. HARRIS. I am satisfied if the Senator from Massachusetts understood the facts of this case as well as I do, he would not assume that I seek to set aside the judgment of a court, and he would not, either, object to the unanimous consent to let the bill be informally laid aside. Does the Senator object?

Mr. HOAR. Yes, sir.

Mr. HARRIS. Then trusting to the Senate to take the bill up at the first moment that it can be done without antagonizing an appro-

priation bill, I am bound to let it go over, because I cannot stand in the way of the consideration of the sundry civil bill when the Committee on Appropriations demand the right of way; but I shall appeal to the Senate to take up the bill again and proceed with its consideration at the very first moment that it does not antagonize an appropriation bill.

The VICE-PRESIDENT. The Senator from Kentucky asks the Senate now to proceed with the consideration of the sundry civil bill, to which the Chair hears no objection.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had concurred in the amendments of the Senate to the following bills:

A bill (H. R. No. 2769) to amend the act entitled "An act to encourage the establishment of public marine schools," approved June 20, 1874, so as to extend it to the ports of Wilmington, Charleston, Savannah, Mobile, New Orleans, Baton Rouge, and Galveston; and

A bill (H. R. No. 4411) to establish an additional land district in the State of Kansas.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 7101) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes;

A bill (H. R. No. 709) for the relief of William S. Burgess and others;

A bill (H. R. No. 1542) for the relief of Charles Clinton, of New Orleans, late assistant treasurer at New Orleans;

A bill (H. R. No. 2503) for the relief of John H. W. Riley, of California;

A bill (H. R. No. 3451) for the relief of George W. Brower;

A bill (H. R. No. 3785) appropriating money for the erection of a penitentiary in the Territory of Dakota;

A bill (H. R. No. 4261) for the relief of Henry B. Eastman;

A bill (H. R. No. 4590) to provide for the sale of certain property owned by the United States in the District of Columbia;

A bill (H. R. No. 4663) to admit free of duty one of the bells of Saint Michael's chimes, Charleston, South Carolina, which has been sent to England to be recast;

A bill (H. R. No. 5383) for the relief of Samuel Harper;

A bill (H. R. No. 5532) establishing a life-saving station at Louisville, Kentucky;

A bill (H. R. No. 6493) to provide for the construction of a public building at Jackson, in the State of Mississippi;

A bill (H. R. No. 1320) for the relief of citizens of Montana who served with the United States troops in the war with the Nez Percés, and for the relief of the heirs of such as were killed in such service;

A bill (H. R. No. 1359) for the relief of Louis P. di Cesnola, late consul at Cyprus;

A bill (H. R. No. 2705) for the relief of Joseph Clymer, of Texas;

A bill (H. R. No. 4413) for the relief of J. Scott Payne;

A bill (H. R. No. 4434) for the relief of Mrs. Martha Bridges, of Bartow County, Georgia;

A bill (H. R. No. 4607) for the relief of Passed Assistant Engineer Absalom Kirby, of the Navy;

A bill (H. R. No. 5097) appropriating money towards the expenses to be incurred in the centennial celebration of the battle on Groton Heights, and for other purposes;

A bill (H. R. No. 5629) to graduate the price and dispose of the residue of the Osage Indian trust and diminished reserve lands lying east of the sixth principal meridian in Kansas; and

A joint resolution (H. R. No. 373) relative to printing the Agricultural Report for the year 1880.

GOVERNMENT EMPLOYEES.

Mr. DAVIS, of West Virginia. I ask the Senator from Kentucky to give way to me for just a moment. A few days ago the Senator from Nebraska [Mr. Paddock] introduced a joint resolution relating to the Government employes in the District of Columbia. I have made inquiries of the different Departments, and the substance of the information derived is contained on a sheet which I have here. Without detaining the Senate, I ask that this sheet go in the RECORD, so that when the resolution is called up it may be referred to.

The VICE-PRESIDENT. Is the joint resolution reported back from the Committee on Appropriations?

Mr. DAVIS, of West Virginia. The Committee on Appropriations having been so much engaged lately have not had time to consider it. I as chairman have looked it over and believe it is meritorious; but I am not instructed by the committee to report it back as an individual.

The VICE-PRESIDENT. Was it once referred to the committee? Mr. DAVIS, of West Virginia. It was.

The VICE-PRESIDENT. Then it will remain in committee unless reported back by a majority action. The paper referred to will be printed in the RECORD, unless objection be made.

The statement presented by Mr. DAVIS, of West Virginia, is as follows:

War Department: Only effect—Per diem employes on 4th of March will probably be 103, and on 30th day of May 256. No rate of pay given.

Treasury Department: Secretary of the Treasury—The passage of the bill would not affect persons employed in that Department.

Navy Department: Secretary of the Navy says number of employes varies, but at present time about 725. No rate of pay given.

Interior Department: Per diem pay of employes in month of February, (average,) \$142.50.

Public Printer: Says the two holidays would cost \$9,343.24.

Mr. PADDOCK. I move that the committee be discharged from the further consideration of the joint resolution, so that it may be put on its passage. No member of the committee will oppose that.

The VICE-PRESIDENT. Does the Senator from Kentucky yield for that purpose?

Mr. BECK. I do not.

The VICE-PRESIDENT. The sundry civil bill is before the Senate.

SUNDRY CIVIL BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes.

The VICE-PRESIDENT. The bill will be read in course and for amendment as the amendments of the Committee on Appropriations are reached.

Mr. BECK. I was just about to ask that. Perhaps I had best call the attention of Senators to the amendments, and I may save some little time by doing so now. I have had a statement made up by the clerk of the committee, showing the following facts:

Amount of estimates for 1882.....	\$23,751,182 59
Amount of appropriations for 1881.....	22,515,428 91
Amount of bill as passed the House.....	20,730,405 42
Net amount added by the Senate committee.....	2,119,894 51

Total as reported to Senate..... 22,840,299 93

The bill as reported is less than estimate..... 910,882 66
The bill as reported exceeds account for 1881..... 324,871 02

The additions of the Senate are made up of a number of items, some of them quite large, for uses of the public.

The items of increase and reduction are as follows:

For additions:	
For barge-office building, New York.....	100,000 00
For assay office, New York.....	30,000 00
For Point Conception light station, California.....	40,000 00
For life-saving stations, establishing.....	5,000 00
For constructing a revenue steamer.....	75,000 00
For Bureau of Engraving and Printing.....	50,000 00
For distinctive paper for United States notes.....	60,000 00
For recoinage of gold and silver coins.....	5,000 00
For reconstructing buildings at salmon fishery, McCloud, California.....	10,000 00
For reimbursement of the President, expenses Louisiana commission.....	3,950 73
For ascertaining harbor, pilot, and other charges on vessels, &c.....	1,000 00
For purchasing Digest of Decisions of Treasury Department, &c.....	2,500 00
For purchasing copies of Lamphere's Work on United States Government.....	2,625 00
For inspection of cattle, pleuro-pneumonia.....	10,000 00
For reimbursement of Librarian of Congress.....	2,640 00
For National Board of Health, reappropriation.....	50,000 00
For machinery and shop fixtures, Rock Island arsenal.....	15,000 00
For improving various reservations in District of Columbia.....	2,000 00
For paving roadway in front of Executive Mansion.....	8,000 00
For additional amount for constructing elevator, Executive Mansion.....	1,500 00
For preparing granite, west and center wings State, War, and Navy Department buildings.....	200,000 00
For Signal Service, observation and report of storms, &c.....	25,000 00
For reappropriation for northern and northwestern lakes.....	8,000 00
For surveys and reconnaissances, military divisions, &c.....	50,000 00
For purchase of Bragg and Polk papers.....	20,000 00
For library building of artillery school, Fortress Monroe.....	30,000 00
For road to national cemetery at Vicksburg.....	10,000 00
For carriage-way to military depot at Jeffersonville, Indiana.....	4,000 00
For improvement of barracks at Omaha, Nebraska.....	30,000 00
For erection of barracks and officers' quarters at Fort Leavenworth, Kansas.....	30,000 00
For survey of peninsula of Maryland and Delaware.....	10,000 00
For erection of building for Pension Office.....	250,000 00
For erection of building for safe-keeping of public records.....	200,000 00
For new boiler-house for naval hospital at Mare Island.....	3,500 00
For navy-yard at Pensacola, Florida.....	75,000 00
For barracks and quarters at Norfolk navy-yard.....	45,000 00
For vessel, &c., for search of steamer Jeannette.....	175,000 00
For erection of armory, Naval Academy.....	25,000 00
For repairs of building, Naval Academy.....	3,600 00
For barracks and quarters for Marine Corps, Naval Academy.....	40,000 00
For fire-proofing National Statuary Hall.....	28,000 00
For purchase of works of art by Library Committee.....	10,000 00
For rent of building for Court of Claims.....	3,600 00
For surveying public land lying north of Texas.....	18,000 00
For improvement of Hot Springs Creek and reservation.....	33,744 78
For support of Insane Hospital.....	55,000 00
For inclosure of grounds, Columbia Institute Deaf and Dumb.....	3,000 00
For purchase of land from Creek Nation for Seminoles.....	175,000 00
For survey of land for same.....	1,000 00
For expenses of Peoria, &c., delegation to Washington, to be paid out of their funds.....	1,500 00
For purchase and distribution of seeds.....	20,000 00
For purchase of plates and manuscript of Professor Glover on Insects of America.....	7,500 00
For defending suits against United States and District of Columbia.....	5,000 00
For printing report Transportation Routes to Seaboard.....	4,000 00
For French and American claims commission.....	50,000 00
For various items for the Senate.....	4,234 00
Total increase.....	2,125,894 51
Reductions:	
For certain expenses of contested elections.....	6,000 00
Net increase.....	2,119,894 51

When the item appropriating \$200,000 for preparing granite for the west and center wings of the State, War, and Navy building comes up, I will state the reasons for that. I am asked to state the reasons now and may as well do so. The \$480,000 now in the bill as it came from the House will finish the north front of the building leaving the west front unfinished. Unless the superintendent is allowed to have the money now to go on with the cutting and preparation of the granite we shall not be able to give him anything more until May or June, 1882, when the season will be so far advanced that he can do very little in the way of preparing the granite for the west wing. He tells us that the great delay is caused by the preparation of the granite, that one man can lay in the wall in one day as much granite as five hundred men can cut and prepare. It requires two hundred and fifty men even on the plain work of the Washington Monument to prepare as much granite as one man can put in place in the wall. It was an amazing statement to us; but the engineer officer went over it all and showed how much one man could lay and how much one man could cut and showed that it was absolutely true. So, unless he is allowed to obtain his granite and prepare it now, we shall have a delay of a year or two, and the rents we are now paying for other buildings will have to go on.

It is therefore in the interest of economy that we should give him \$200,000 additional to obtain granite to be used in that work as soon as he can prepare it. He is doing the work very economically. He has built the north front of the building corresponding in every regard with the south front quite as well and a little better and somewhat larger for a million and a half less money than the south wing cost. We found therefore that he was a man we could trust with the economical management of affairs and we ought to give him what he asked.

It was made apparent to us also that there was great necessity for the bill which passed the Senate some time ago providing for the erection of a hall of records. It ought to be erected at once. Quartermaster-General Meigs and other officers from the Treasury and other Departments came before us and assured us that in the present condition of things the records of this Government were wholly unsafe unless the building be erected at once. The Senate unanimously passed the bill for that erection. It is doubtful whether it can be reached in the House. There ought to be no delay about it and therefore we have provided \$200,000 for the erection of that building. It is to be a hall of records for all the Departments with separate compartments for each. The plan described by the Quartermaster-General was that each Department will have a separate place by itself so that the burning of one part even would not affect the others; and it is to be made fire-proof, if it can be done.

We found that the Pension Office was paying enormous rents and having very few conveniences, and we made a proposition to the Senate in the form of an amendment to appropriate \$250,000 under direction of the Secretary of War and the Secretary of the Interior and the Quartermaster-General for the erection of a building for the accommodation of that bureau. We think that to erect it will make the cost to us \$8,000 or \$9,000 a year, or not over \$10,000, while we are now paying \$20,000, and perhaps \$24,000; for very insufficient accommodations. The rent we are now paying in the District, according to my recollection, is \$166,000; and it is true economy, wherever we can economically put up buildings of our own and occupy them ourselves instead of paying the enormous rents we are paying for the accommodations we now receive, with the danger of fire to our records everywhere unless they are in fire-proof buildings. These are the items which swell up the bill so largely.

Then there is \$75,000 for the navy-yard at Pensacola, Florida, the only navy-yard on the Gulf. The condition of affairs there was complained of a good deal by one of the gentlemen from Florida, and we provided for it.

We inserted in this bill a provision already agreed to by the Senate, appropriating \$175,000 to provide a vessel, &c., for the search of the steamer Jeannette. That has passed the Senate in a separate bill which has gone to the House, but perhaps cannot be reached there. We have put it as an amendment to this bill, it being properly sent to us by the committee in charge of it.

There are various items for barracks and quarters for the Marine Corps at the Naval Academy at Annapolis. The present buildings are in danger of being washed away; they are supported by props. So with the barracks at Norfolk. They are in such condition that the men cannot live in them with any comfort. These things are recommended, and we think they deserve attention.

Under a contract laid before us we agreed to appropriate \$33,744.78 for the improvement of Hot Springs Creek and reservation in Arkansas, property of our own, to keep it from being washed away.

We had to insert \$55,000 more for the support of the Government Insane Hospital, because of the change made in the District of Columbia appropriation bill when it was before the Senate.

One item we have inserted which, when first presented, did strike us as remarkable, and that is the appropriation of \$175,000 for the purchase of land from the Creek Nation for the Seminoles. I will not explain that now; but when we reach it the Senator from Minnesota [Mr. WINDOM] or myself will. The United States purchased a large tract of land from the Creeks west of a certain line, and they found it to their interest to move the Seminoles out of their territory and put them on a portion of the land purchased of the Creeks. By mistake they were placed east of the line, where they have made their

improvements, and they have been there for years, the Creeks seeking to drive them away and the Seminoles insisting on staying. In 1873 we passed a law directing the Secretary of the Interior to settle that matter, and to pay whatever was necessary in order to adjust it. It was finally brought into court. To do justice to these people \$175,000 is required, and we have to make this provision for them to carry out the existing law and an order we ourselves had given to the Secretary of the Interior.

Besides these, the \$150,000 demanded for the French and American claims commission constitute all increases with the exception of some small items which can be explained when they are reached.

I think it is safe to say that while we have not had much time to consider this important bill because it did not reach us until Monday, though we had begun upon it informally some days before, and while we have been pressed with amendments and applications from the Departments, and by a great many Senators and Representatives with very important questions, many of which perhaps we did not consider as fully as we would have done if we had had more time, we have endeavored to present the bill, as far as possible, free from practical objection in the interest of the public service.

That is all the statement I desire to make at present.

I do not know whether the order has been made, but if not I desire to ask that the amendments of the Committee on Appropriations be acted upon as they are reached in order in the reading of the bill, and that the amendments of the committee be acted upon before any other amendments are received.

The PRESIDING OFFICER, (Mr. COCKRELL in the chair.) The Senate hears the request of the Senator from Kentucky in charge of the sundry civil bill that the amendments be acted upon as they are reached in order in the reading of the bill and that the amendments proposed by the Committee on Appropriations be first acted upon before any amendments are entertained from any Senator. If there be no objection that will be the order. The bill will be read.

The Secretary proceeded to read the bill. The first amendment reported by the Committee on Appropriations was, in the appropriations for the Treasury Department, under the head of "public buildings," after line 45, to insert:

Barge-office building, New York, New York: For completion of building, \$100,000.

Mr. BECK. I desire to have inserted in the RECORD a short letter from the Secretary of the Treasury in regard to the importance of this barge office at New York. The officer of the Government in charge of it also appeared before us, and showed us how important it was. The object in having it placed in the RECORD, even though there is no objection to the amendment, is that the gentlemen of the House may see it, as time is very important.

The letter referred to is as follows:

TREASURY DEPARTMENT,
February 23, 1881.

SIR: I have the honor to call your attention to the fact that the item of \$100,000, included in the estimate for the ensuing fiscal year, for the completion of the United States barge office, is omitted from the "sundry civil bill" now before the House of Representatives.

The attention of Congress was, at the last session, called to the necessity for a further appropriation for this building, and the reasons for the increased cost above the original estimate are fully set forth in the annual report of the Supervising Architect, as follows:

"In the preparation for the foundation, upon removal of a portion of the sea-wall, which it was intended to renew, a renewal of the entire wall was found necessary, compelling the Department to construct more than double the quantity of sea-wall contemplated by the original contract. The building of this additional wall and the advance of the price of iron since the estimate of the cost was made, renders it impracticable to complete the building within the estimate originally submitted."

The foundations of the building are all completed, a large portion of the superstructure erected, and other portions of the work under contracts. The building is needed for the transaction of Government business, and should be completed at the earliest practicable date. The failure of Congress to make an appropriation at the present session will necessitate the issuing of immediate orders for the suspension of work, and I most earnestly recommend that the amount, namely, \$100,000, asked in the regular estimates be appropriated.

Very respectfully,

JOHN SHERMAN,
Secretary.

Hon. HENRY G. DAVIS,
Chairman Committee on Appropriations,
United States Senate, Washington, D. C.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, after line 47, to insert:

Assay office, New York, New York: To provide increased accommodations, by the addition of a mansard story, on the Wall street front of the building, and to make necessary alterations and repairs, \$30,000.

Mr. BECK. I have a letter from the Director of the Mint as to this, which I shall place in the RECORD.

The letter is as follows:

TREASURY DEPARTMENT,
OFFICE OF THE DIRECTOR OF THE MINT,
Washington, D. C., February 15, 1881.

SIR: I have the honor to call your attention to the insufficiency of the rooms in the United States assay office at New York for the business required to be transacted there, approximating \$75,000,000 per annum, and the imperative necessity of increasing the facilities by a few alterations and the addition of a mansard story on the Wall street front of the building for the accommodation of the assayer's department. The alterations necessary and the mansard story it is estimated will

cost \$30,000, and I earnestly recommend that an appropriation of that amount be procured from Congress.

Very respectfully,

HORATIO C. BURCHARD,
Director.

Hon. JOHN SHERMAN, Secretary of the Treasury.

The amendment was agreed to.

The Secretary resumed and continued the reading of the bill. The next amendment was, after "therewith," in line 62, to strike out the following proviso:

And be it further provided, That there be expended out of the amount herein appropriated a sum sufficient for the completion and fitting up of as many of the rooms of said building as will accommodate the post-office of said city.

So that the clause will read:

Post-office and court-house, Philadelphia, Pennsylvania: For continuation of building, \$350,000: *Provided*, That the sum of \$25,000, or so much thereof as may be necessary, out of the amount hereby appropriated, shall be expended in completing immediately and fitting up for use the rooms in said building intended for occupancy by the United States courts and the officers connected therewith.

Mr. BECK. The reason for striking that out is that the architect of the building said if the post-office rooms were placed there now he could not go on with his work.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after the word "dollars," in line 82, to insert:

Provided, That the roof of said building shall be iron-framed and fire-proof, and that the limit of cost for the entire building be extended \$20,000 to cover increased cost thereof.

So as to make the clause read:

Court-house and post-office, Topeka, Kansas: For continuation of building, \$90,000: *Provided*, That the roof of said building shall be iron-framed and fire-proof, and that the limit of cost for the entire building be extended \$20,000 to cover increased cost thereof.

The amendment was agreed to.

The next amendment was, in line 94, after the word "dollars," in the clause appropriating \$100,000 for the continuation of the custom-house and courthouse building at Toledo, Ohio, to insert:

Provided, That the total cost of the building, with the additional land authorized to be purchased, in the city of Toledo, Ohio, shall not exceed the sum of \$400,000; and the Secretary of the Treasury is hereby authorized and directed to sell the public building and other structures standing on the lots now owned by the United States as a building site in the said city, and apply the fund realized from such sale to the construction of the new building authorized to be erected; and the amount so applied shall be deducted from the sum limited herein to be expended on this improvement.

The amendment was agreed to.

The next amendment was, under the head of "light-houses and fog-signals," after the word "appropriation," in line 136, to insert "of \$7,000;" so as to make the clause read:

Stamford Harbor light-station, Connecticut: For completing the light-house in Stamford Harbor, Connecticut, the appropriation of \$7,000 made by the act of June 16, 1880, for the establishment of a light on Forked Rock, Stamford Harbor, Connecticut, being hereby made available for establishing a light on such point in Stamford Harbor as the Light-House Board may select, \$23,000.

The amendment was agreed to.

The next amendment was, after line 152, to insert:

Point Conception light-station, California: For rebuilding station and purchasing land for site of light-house at Point Conception, California, \$40,000, of which sum not exceeding \$10,000 shall be used for purchase of the site; and no portion of the residue of said appropriation shall be expended until the title to the said site is vested in the United States.

The amendment was agreed to.

The next amendment was, after "United States," in line 235, to insert "including a station at the Falls of the Ohio River, near Louisville, Kentucky;" and in line 237, after "twenty," to insert "five;" so as to make the clause read:

Establishing life-saving stations: For establishing new life-saving stations and life-boat stations on the sea and lake coasts of the United States, including a station at the Falls of the Ohio River, near Louisville, Kentucky, \$25,000.

The amendment was agreed to.

The next amendment was under the head of "revenue-cutter service," after line 254, to insert:

Constructing a revenue-steamer: For construction of a revenue-steamer for duty on the southern coast of the United States, \$75,000.

Mr. BECK. In connection with that I desire to place on record a letter from Captain Merryman, in command of the revenue marine, showing the absolute necessity for one certainly, and he thought two vessels. I send it to the Reporter to be inserted.

The letter is as follows:

UNITED STATES REVENUE MARINE, TREASURY DEPARTMENT,
Washington, D. C., March 1, 1881.

SENATOR: Referring to our conversation on Saturday, you will find the item for two new steamers for the revenue-cutter service on page 163 of the Book of Estimates, fiscal year 1882. The sum required is \$150,000, and was not provided for by the House Committee on Appropriations in the sundry civil bill, although recommended in the annual report of the Secretary of the Treasury, and the necessity for the vessels explained in the appendix to Book of Estimates, page 220.

As the House committee did not question the necessity for the appropriation when the chief of the revenue marine division was before it to explain the estimates for the service in general, it was supposed the item would appear in the sundry civil bill.

We have but three able vessels on the southern coast. The others are small side-wheel steamers, originally built for harbor and river service in the merchant marine. The vessels to supply the southern coast at the close of the war were purchased when the expenses of the service were defrayed from the receipts of

customs indiscriminately and without special appropriation by Congress. They have been replaced gradually with abler and more economical vessels as appropriations were made for the purpose. The two which it is now desired to replace are quite unfit for service, and it is indispensable for the proper protection of the revenue that new ones should take their places.

The sketch-map I gave you will show the extent of coast-line to be protected. The two old steamers are stationed at Pensacola and Bay Saint Louis, respectively.

Very respectfully,

J. H. MERRYMAN,
Captain United States Revenue Marine.

Hon. JAMES B. BECK, United States Senate.

The amendment was agreed to.

The Secretary resumed the reading of the bill. The next amendment was, under the head of "Engraving and Printing," in line 268, after the word "materials," to strike out "including paper;" and in line 274, after the word "destroyed," to strike out "three hundred and fifty" and insert "four hundred;" so as to make the clause read:

Engraving and printing:

For labor and expenses of engraving and printing, namely: For labor, (by the day, piece, or contract,) including labor of workmen skilled in engraving, transferring, plate-printing, and other specialties necessary for carrying on the work of engraving and printing notes, bonds, and other securities of the United States, the pay for such labor to be fixed by the Secretary of the Treasury at rates not exceeding the rates usually paid for such work; and for other expenses of engraving and printing notes, bonds, and other securities of the United States; for materials required in the work of engraving and printing; for purchase of engravers' tools, dies, rolls, and plates, and for machinery and repairs of same; and for expenses of operating macerating machines for the destruction of the United States notes, bonds, national-bank notes, and other obligations of the United States authorized to be destroyed, \$400,000.

Mr. BECK. I send to the Reporter to place in the RECORD in that connection a letter from Colonel Irish, Superintendent of the Bureau of Engraving and Printing.

The letter is as follows:

TREASURY DEPARTMENT,
BUREAU OF ENGRAVING AND PRINTING,
March 1, 1881.

SIR: In compliance with the suggestions made by you at our conference yesterday I have the honor to submit the following relative to the item in the sundry civil appropriation bill for labor and expenses of engraving and printing United States notes and other securities:

There will be required 8,134,500 sheets of United States notes, silver certificates, and registered bonds to meet the demands of business during the fiscal year 1882. To execute this work will require, exclusive of the cost of paper, \$425,000, and if any less money be appropriated it will make a corresponding reduction in the amount of notes, certificates, and registered bonds which can be delivered. If the appropriation for the bureau as passed the House giving it \$350,000, and requiring that the supply of distinctive paper be purchased therefrom, be concurred in by the Senate, the deliveries of United States notes will stop before the 1st of April, 1882, leaving three months in which none can be furnished to the United States Treasurer. And the peculiar character of the work of preparing and printing these notes will not permit the work to be taken up after having once stopped without a delay of at least sixty days before the deliveries can commence again. It requires the constant production of a certain amount of notes day by day to meet the regular demands of business, and it is likely to produce serious difficulties in the business transactions of the country if this should be interrupted for a single day. The following facts will show that there has been for months past a gradual decrease in the reserve held by the United States Treasurer:

On the 16th of October, 1880, the date at which the reserve reached its highest point during this present fiscal year, there were on hand the following amounts:

Denomination.	Amount.
Ones, 1880	\$3, 062, 774
Twos, 1880	2, 936, 000
Fives, 1880	5, 380, 000
Tens, 1880	6, 600, 000
Twenties, 1878	9, 200, 000
Twenties, 1880	320, 000
Fifties, 1878	5, 500, 000
One-hundreds, 1878	8, 648, 000
Five-hundreds, 1878	9, 500, 000
One-thousands, 1878	16, 200, 000
Five-thousands, 1878	14, 995, 000
Ten-thousands, 1878	34, 990, 000
Total	117, 271, 774

As soon as the demand for United States notes for the fall business was made on the Treasurer's Office the reserve began to decrease rapidly, as will be seen from the following table:

Statement of weekly decrease of the reserve fund.

Week ending—	Amount.
October 30, 1880	\$1, 001, 600
November 13, 1880	362, 600
November 20, 1880	300, 524
November 27, 1880	881, 300
December 4, 1880	625, 900
December 11, 1880	735, 753
December 18, 1880	1, 010, 400
December 30, 1880	1, 579, 811
January 8, 1881	311, 200
January 15, 1881	553, 725
January 22, 1881	698, 449
In the week ending November 6, there was an increase of	8, 063, 267
Leaving a net decrease of	11, 100
	8, 052, 167

And the reserve has been reduced to the point indicated in the following statement from the Treasurer's Office, when the last comparative statement was made: Statement from the Treasurer's Office of the balance in reserve vault of legal-tender notes, January 23, 1881.

Denomination.	Amount.
Ones, 1880	\$1, 818, 507
Twos, 1880	1, 816, 000
Fives, 1880	4, 220, 000
Tens, 1880	5, 240, 000
Twenties, 1880	320, 000
Twenties, 1878	7, 680, 000
Fifties, 1878	5, 200, 000
One-hundreds, 1878	7, 884, 900
Five-hundreds, 1878	9, 400, 000
One-thousands, 1878	16, 200, 000
Five-thousands, 1878	14, 995, 000
Ten-thousands, 1878	34, 990, 000
Total	109, 764, 407

The following extract from a letter written by the Treasurer of the United States to the Secretary of the Treasury, dated September 24, 1879, will show how far the reserve fund in his hands has fallen below the point at which he deems it absolutely necessary it should be maintained:

"I wish to renew my recommendation that the reserve fund of this office be put in a condition to supply the demands of any denomination of notes that it may be called upon to furnish. In order to do this it will be necessary that there be at all times therein \$10,000,000 each of fives, tens, and twenties, and \$5,000,000 each of ones and twos."

The following table will make this contrast more readily perceptible:

Denomination.	Amount demanded by United States Treasurer.	Amount in reserve.
Ones	\$5, 000, 000	\$1, 818, 507
Twos	5, 000, 000	1, 816, 000
Fives	10, 000, 000	4, 220, 000
Tens	10, 000, 000	5, 240, 000
Twenties	10, 000, 000	8, 000, 000

Owing to the fact that Congress last year failed to appropriate the amount of money asked for to print these notes and that the demand for silver certificates under the act of February 28, 1878, increased very largely over the estimate made by the Treasurer, (his estimate having been but for 50,000 sheets, and his requisitions 628,000 sheets,) the reserve will continue to decrease during the remainder of this year; and it will readily be seen that, the reserve having been practically exhausted, there will be no recourse except to suspend the delivery and redemption of United States notes as soon as the amount of money appropriated by Congress shall have been expended. This, as indicated above, will be about the 1st of April, 1882, should no greater amount than \$350,000 be appropriated for the work.

Upon the other point which I had the honor to urge upon you—that is, the separation of the appropriation for the purchase of distinctive paper from that for labor and expenses of engraving and printing—I beg to say that there will be embarrassment so long as the combining of these appropriations shall be insisted upon by Congress. It has been the aim of the present administration to entirely separate all matters pertaining to the purchase, examination, and custody of the distinctive paper, so that a complete and effectual check might be had thereby upon the bureau charged with the printing of the notes, securities, and other values; that the chief of this bureau could not, by any means other than those prescribed, obtain possession of a particle of this paper. This will not be fully accomplished as long as he shall have any authority over the appropriation from which this paper is purchased, and the employees upon it paid therefrom.

In conclusion, I have the honor to most earnestly urge that the full amount asked for in the estimates approved and submitted by the Secretary of the Treasury be appropriated, as this matter has received special and careful consideration in his office on account of the embarrassments experienced this year in filling the requisitions of the Treasurer for United States notes and silver certificates. The amounts asked for are: for labor, &c., (Book of Estimates, page 163,) \$425,000; for distinctive paper, (page 167,) \$81,000.

Very respectfully, your obedient servant,

O. H. IRISH,
Chief of Bureau.

Hon. H. G. DAVIS,
Chairman, &c., United States Senate.

The amendment was agreed to.

The Secretary resumed and continued the reading of the bill. The next amendment of the Committee on Appropriations was, in line 314, after the word "Rivers," to insert "and at the mouth of Red River;" so as to make the clause read:

Lighting and buoyage: For maintenance of lights and buoys on the Mississippi, Ohio, and Missouri Rivers, and at the mouth of Red River, \$140,000.

The amendment was agreed to.

The next amendment was, under the head of "Coast and Geodetic Survey," after the word "dollars," in line 336, to insert "and of this sum \$5,000 shall be immediately available;" so as to make the clause read:

Coast and Geodetic Survey:

Survey of the Atlantic and Gulf coasts, eastern division: For every purpose and object necessary for and incident to the continuation of the survey of the Atlantic and Gulf coasts of the United States, the Mississippi and other rivers, to the head of either tidal influence or ship navigation; soundings, deep-sea temperatures, dredgings, and current-observations along the above-named coasts, in the Gulf of Mexico, and the Gulf Stream, including its entrance into the Gulf, its course through the Caribbean and into and around the Sargasso Sea; the triangulation toward the western coast, and furnishing points for State surveys; the preparation and publication of charts, the Coast Pilot, the magnetic map of Eastern North America, and other results of the work, with the purchase of materials therefor, including compensation of civilians engaged in the work, \$300,000; and of this sum \$5,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, in line 353, after the word "dollars," to insert "and of this sum \$6,000 shall be immediately available;" so as to make the clause read:

Survey of the Pacific coasts, western division: For every purpose and object necessary for and incident to the continuation of the survey of the Pacific coasts of the United States, the Columbia and other rivers, to the head of either tidal influence or of ship-navigation; deep-sea soundings, temperatures, currents, and dredgings along and also in the Japan Stream flowing off these coasts; the triangulation toward the eastern coast, and furnishing points for State surveys; the preparation and publication of charts, the Coast Pilot, the magnetic map of Western North America, and other results of the work, with the purchase of materials therefor, including compensation of civilians employed in the work, \$180,000; and of this sum \$6,000 shall be immediately available.

The amendment was agreed to.

The next amendment was, under the head of "miscellaneous objects under the Treasury Department," after line 386, to insert:

Distinctive paper for the United States notes: For paper, including mill expenses, transportation, examination, counting, and delivery, \$60,000.

Mr. BECK. I desire only to say that that item is explained in the letter from Colonel Irish which I have already sent to the Reporter. It is placed under the charge of the Secretary of the Treasury.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 389, to insert:

Recoinage of gold and silver coins: For recoinage of gold and silver coins in the Treasury, to be expended under the direction of the Secretary of the Treasury, \$5,000.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, under the head of "Under the Commissioner of Fish and Fisheries," after line 411, to insert:

For the reconstruction of buildings at the salmon-fishery on the McCloud River, in California, \$10,000, to be available immediately.

The amendment was agreed to.

The next amendment was, after the word "Columbia," in line 429, to strike out "five" and insert "eleven;" after the word "necessary," in line 440, to strike out:

For contribution to maintenance of international bureau of weights and measures, in conformity with terms of convention signed May 20, 1875, to be expended under the direction of the Secretary of State, \$2,270, or so much thereof as may be necessary;

and in line 446, after the word "all," to strike out "9,470" and insert "13,200;" so as to make the clause read:

For construction and verification of standard weights and measures, including metric standards, for the custom-houses and other offices of the United States, and for the several States, and of mural standards of length in Washington, District of Columbia, \$11,000; for rent of fire-proof rooms in building No. 205, New Jersey avenue south, for the safe-keeping and preservation of finished weights, measures, balances, and metric standards, \$1,000; for fuel and lights, materials, transportation, traveling and other miscellaneous expenses, \$600; for expenses of the attendance of the American member of the international committee on weights and measures at the sexennial general conference provided for in the convention signed May 20, 1875, \$600, or so much thereof as may be necessary; in all, \$13,200.

Mr. BECK. That is merely a transfer from page 19 to page 66 of the bill. That matter is stricken out there because it is under charge of the Secretary of State.

The amendment was agreed to.

The Secretary resumed and continued the reading of the bill. The next amendment was, after the word "dollars," in line 491, to insert:

And to facilitate the collection of customs duties, and to prevent smuggling, the deputy collector of customs stationed at San Juan Island, in the Puget Sound district, is, with the approval of the Secretary of the Treasury, empowered to enter and clear vessels and collect duties.

The amendment was agreed to.

The next amendment was, after the word "all," in line 504, to strike out "twelve thousand one" and insert "thirteen thousand three;" so as to make the clause read:

Salaries and traveling expenses of agents at seal-fisheries in Alaska: For one agent \$3,650; one assistant agent, \$2,920; two assistant agents, at \$2,190 each; necessary traveling expenses of agents in going to and returning from Alaska, at \$600 each per annum; in all, \$13,350.

The amendment was agreed to.

The next amendment was, after line 542, to insert:

To enable the Secretary of the Treasury to reimburse the President for amount paid for expenses of the commission appointed to go to Louisiana in April 1877, \$3,950.73.

Mr. CONKLING. If that amendment is to be agreed to, I shall ask that it be on a vote by yeas and nays, with some confidence that on such a vote it will be rejected, as it has been so often before, not only here, but in another place, to which I have no right to allude.

Mr. BECK. Does the Senator wish a vote now, or does he wish it reserved until we get through with the unobjected amendments?

Mr. CONKLING. I will consult, if I can find out what it is, the preference of the Senator from Kentucky.

Mr. DAVIS, of Illinois. It had better go over perhaps.

Mr. BECK. I am advised by my colleagues on the committee that they would rather we should go on with the unobjected amendments, and then come back to this.

Mr. CONKLING. I have no objection to any arrangement by which when the Senate is reasonably full we can get the attention of the Senate to this amendment to which for one I am very much opposed.

The PRESIDING OFFICER. The action upon this amendment will be reserved. The reading will proceed.

The Secretary resumed and continued the reading of the bill. The next amendment of the Committee on Appropriations was, after line 547 to insert:

To enable the Secretary of the Treasury to ascertain and report to Congress the harbor, pilot, and other charges to which American and foreign vessels are subject under State laws, and the taxation upon ship-owners, \$1,000 or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, after line 552 to insert:

To enable the Secretary of the Treasury to purchase from F. M. Eastman the copyright and manuscript of his work entitled "Digest of the decisions of the Treasury Department and of the Supreme and circuit courts relating to the tariff, navigation, &c." \$2,500; and the said work shall be printed under the direction of the Secretary of the Treasury for the use of the Executive Departments, and 3,500 copies shall be printed for the use of the House, and 1,000 copies for the use of the Senate.

Mr. SAULSBURY. I should like to inquire of the Senator from Kentucky, who has charge of this bill, if these decisions of the Treasury Department are of such vital importance that we ought to provide for having them published? I suppose that every Secretary of the Treasury makes some regulation of his own, and we shall not have this as a permanent code to guide all future Secretaries of the Treasury in their administration of the office.

Mr. BECK. I am not prepared to give much information in regard to it. It is one of a series of amendments which were sent to us. We had a unanimous report from the Committee on Ways and Means of the House of Representatives before us, a very able report, a copy of which I will hand the Senator. We had to accept the statements of gentlemen who came before us with the reports of various committees as to the importance of different matters. All agreed that it would be extremely valuable for the use of this House and the other House in considering matters relative to taxation to have a copy of this book. I thought so and think so yet, and I was very much impressed with the small sum asked for it. Therefore, when it was urged by the Assistant Secretary and had been accepted by the Committee on Ways and Means, and also laid before us by gentlemen who seemed to know all about it, we thought proper to adopt it.

Mr. PLUMB. I should like to inquire of the Senator from Kentucky who is the gentleman who is named in this amendment and of whom this book is to be purchased?

Mr. BECK. I do not know.

Mr. PLUMB. How does he come to have this copyright and manuscript? In whose employ is he?

Mr. BECK. I have not the least idea who the man is. I only know what the Committee on Ways and Means said to us and what the letter of Mr. French says and what other gentlemen say. All agree that it is a very useful compilation. This is the substance of the statement of the Committee on Ways and Means:

The committee find the work for the purchase of which this bill provides to be a digest of the decisions of the Treasury Department relating to the tariff, navigation, &c., contained in the synopsis of decisions published by that Department. The decisions number about six thousand five hundred, and cover a period of twenty-three years. They are contained in sixteen volumes, are indexed separately and imperfectly, with no general index, and can be referred to only by those familiar with them, and even then with difficulty. Great inconvenience often results to the Treasury Department from the difficulty of referring to these decisions.

The work is also a digest of the decisions of the Supreme and circuit courts relating to the tariff, navigation, &c., and also of the decisions upon the same subjects contained in the Opinions of the Attorneys-General.

This work has been carefully and skillfully compiled. The committee believe that it will be of great utility to the Treasury and State Departments, and to any person engaged in a revision of the tariff and navigation laws.

A letter from the Treasury Department, signed by H. F. French, Acting Secretary, reads thus:

TREASURY DEPARTMENT, January 4, 1881.

SIR: I have the honor to acknowledge the receipt of your note of the 3d instant, submitting a bill (H. R. No. 7078) authorizing the purchase of Eastman's Digest of the decisions of the Treasury Department and of the Supreme and circuit courts relating to the tariff, navigation, &c., and asking my opinion in regard to the importance and necessity of the digest in question.

This Department is in possession of a series of decisions in relation to customs and navigation from the year 1857 to the present time.

Then, repeating what the committee have said:

These consist in part of entire official letters and in part of abstracts of such letters from the date mentioned. But it has no digest in which those decisions are concisely set forth, and none whatever of the decisions of the courts upon the subjects covered by the Department decisions.

Such a digest as is mentioned in the bill would much abridge the labors of department officials in rendering easily accessible the principles settled by the practice of the Department and the rulings of the courts since 1857, and it would further serve as a guide on questions of customs and navigation, where questions comparatively new may in future arise.

So far as I am able to judge from incomplete examinations of Mr. Eastman's manuscript, his digest well accomplishes the purpose intended by it.

Very respectfully,

H. F. FRENCH,
Acting Secretary.

Hon. WILLIAM P. FRYE,
House of Representatives.

Mr. PLUMB. I did not doubt that the committee had acted on authority; but the point of my inquiry is this: I suspect that this person is already in the employ of the Government, that he has been doing this work during the time he has been in the employ of the Government, and has been greatly facilitated in doing it by reason of the fact of such employment. If this Digest is important, it occurs to me that the Treasury Department would have discovered it some time before the lapse of twenty-three years, and would have had this

gentleman do it under and by virtue of his employment. If it be true, as I suspect it is, that this person is in the employ of the Government, I submit that it is not proper to incur this expenditure to pay him over again to do work for which he has already been paid.

As is suggested by a Senator, this amendment also provides for the printing of this work, so that the expense we incur, although nominally \$3,500, is but the entering-wedge to a much larger expenditure to come in under the appropriation for the public printing in a deficiency bill. In other words, we are providing here for what will inevitably be a deficiency. I therefore hope that this amendment will not be agreed to unless the information which I have in regard to the person who has made this digest be incorrect.

Mr. BECK. It is for the Senate to do as they choose. I have stated all I know about it.

Mr. CONKLING. If the Senator from Kentucky will give me his attention for a moment it seems to me there are two or three things about this which should not be left as they are, no matter how meritorious the work may be. Here is to be a "Digest of the Decisions of the Treasury Department," relating to two things named "and so forth," a very odd title for a law-book or a book which comes any way near the law; and what that "and so forth" is we do not know. Then:

And the said work shall be printed, under the direction of the Secretary of the Treasury, for the use of the Executive Departments.

In what numbers is it to be printed? What is to be the size of this edition? Nobody knows; it is left entirely to the discretion of the Secretary of the Treasury. And in addition to this "3,500 copies shall be printed for the use of the House and 1,000 copies for the use of the Senate." That is, we have an edition of 4,500 copies provided for and in addition an indefinite edition besides. How much is all this to cost? Very likely the Senator from Rhode Island [Mr. ANTHONY] if he were here could estimate something about it; but it depends very largely upon the character of the work, what type is to be used, what paper is to be used, and how it is to be bound, it may be ten, fifteen, or twenty thousand dollars. I submit that without knowing what "and so forth" indicates as the scope of this work, and without knowing whether this gentleman as a Senator has informed me as a clerk in the Treasury Department when this work was done, without knowing anything more about it we ought hardly to vote an entirely unrestricted and indefinite sum of money which may be, for aught we know, four or five times as large as we are considering now.

Mr. BECK. I only desire to say to the Senator from New York that I am not, on looking at it, satisfied with the amendment as it reads; but it was just one of a series of amendments thrown before us with no time to consider them, examine them, and correct them. The bill did not reach us until Monday, and Senators saw the number of amendments presented and referred.

While I agreed to report this because of the report I have read from the House committee, and because of the statements made by various gentlemen, and because of the representations of the Department, if it is the will of the Senate that it should be stricken out, I have no objection. It can be provided for elsewhere if this is a valuable document, perhaps as a separate item. It is of no importance here. I am perfectly willing it shall be stricken out if the Senate choose.

Mr. KERNAN. I hope it will be stricken out. I do not believe that \$3,500 is necessary to buy any such book under any such provision of law as this.

Mr. ALLISON. In accordance with the suggestion of the Senator from New York [Mr. CONKLING] I move to amend, in line 559, after the word "Treasury" by inserting the words "one thousand copies for the use of the Executive Departments," and then to strike out "3,500 copies for the House," and insert "2,500 copies," so that the total number of copies will be the same.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on the amendment as amended.

Mr. KERNAN. I trust we shall disagree to the amendment as amended.

Mr. ALLISON. I understand that this is rather a valuable compilation. I do not think the cost will be very great. It has been prepared by a very intelligent young man, who was formerly, as some Senators may remember, for many years the clerk to the Committee on the Library.

Mr. INGALLS. Where is he now?

Mr. ALLISON. I do not know where he is now. Afterward he was for a time employed in the Treasury Department. He was the clerk of the Committee on the Library during the time of Senator Howe's service as chairman of that committee, and is a very competent young man. I can readily see that he has made a valuable compilation of these decisions.

Mr. DAWES. What is the book?

Mr. ALLISON. A compilation of the decisions of the Secretary of the Treasury and the circuit and Supreme courts of the United States in reference to tariff and tax cases.

Mr. DAWES. May I interrupt the Senator from Iowa long enough to have the amendment read at the Clerk's desk.

The PRESIDING OFFICER. The amendment will be reported as amended.

The Secretary read as follows:

To enable the Secretary of the Treasury to purchase from F. M. Eastman the copyright and manuscript of his work entitled Digest of the Decisions of the Treasury Department and of the Supreme and circuit courts relating to the Tariff, Navigation, &c., \$2,500; and the said work shall be printed, under the direction of the Secretary of the Treasury, 1,000 copies for the use of the Executive Departments, and 2,500 copies shall be printed for the use of the House and 1,000 copies for the use of the Senate.

Mr. INGALLS. I find in a copy of the last issue of the Official Register the name of Frank M. Eastman borne on the rolls of the Treasury Department as a disbursing clerk at a salary of \$1,600 per annum. This edition bears the imprint of the Government Printing House, 1879. I suppose he is still in the employ of the Treasury Department.

Mr. LOGAN. It is true that this gentleman is a disbursing clerk in the Treasury Department. At what time he prepared this digest I do not know, but I understand from the Assistant Secretary in whose office he is that this is a very important matter for the Treasury Department. I think a mere recital of the fact will show that it would be a very convenient book for all of us—Senators as well as persons in the Treasury Department.

I have seen the young gentleman. I know him very well. I do not know at what time he has performed this labor. I presume, however, that he performed it in hours when he was not engaged as disbursing clerk. He could not, of course, perform the work when engaged as disbursing clerk. The presumption is that he performed it in hours when he was not engaged in his office; and if he did so, and made this digest, and the Government desires it, he certainly is entitled to be paid for the copyright. There can be no question about that. Whether the copyright is worth \$3,500 I do not know, but that it is a work of some importance I am satisfied. I do not think the item ought to be stricken out of the bill.

So far as the gentleman who has performed the labor is concerned, he is perfectly competent to do it; of that much I am assured. He is a lawyer, a young man of intelligence, a very highly educated gentleman, and doubtless has performed this work in a very satisfactory manner. Although I have not examined the work, I have no doubt that that is the fact.

Mr. BECK. In addition to what I said a little while ago, I desire to say that several times, since I have been in Congress, we have purchased books prepared by men who were clerks in the Departments or other employés of the Government. Generally they are the only men who can afford to take the time to prepare them in connection with the information at their command. We paid Mr. Charles H. Evans \$2,000 last year for a compilation of import duties, and we have paid Mr. Lewis Heyl for his tariff digest.

This digest was prepared in the Treasury Department. I do not know this gentleman; I never heard of him before, but I have no doubt he did the work just as well as Mr. Heyl, and the information obtained in the Department enabled him to do it.

The amendment was sent to the committee by the Senator from Pennsylvania, [Mr. CAMERON,] indorsed by Mr. FRYE, of Maine, and recommended by the Assistant Secretary. It had been reported from the Committee on Ways and Means; and we have submitted it to the Senate. I rather think it is a good thing to do.

Mr. LOGAN. My knowledge of the man satisfied me as to his competency. He is a very competent man to perform this work. There is no doubt upon that point. In my judgment, this work is a valuable one for the Treasury Department and for legislators desiring information in reference to the matters upon which this digest has been made. My own judgment is that it is a very proper thing to purchase the copyright.

Mr. KERNAN. My objection is that we have no information as to how valuable this book is or what it would be deemed worth, and yet we authorize the Government to buy the copyright of this gentleman for \$3,500, and authorizing the publication of 4,500 copies.

Mr. LOGAN. If the Senator will allow me, I have a letter from the Assistant Secretary of the Treasury, Mr. French, in reference to this matter that I will have read.

Mr. WALLACE. It has been read.

Mr. BECK. I read that a few moments ago.

Mr. LOGAN. I beg the Senator's pardon.

Mr. KERNAN. I think this will be entering upon a line of book-making which will not be advantageous to the Government. So far as a digest of the decisions of the courts is concerned, we have a digest of them in every library. As to a digest of the decisions of the Treasury Department, I assume that those in the Department can readily ascertain what the decisions are; but be that one way or the other, if this is a book that is valuable let the Government buy such copies as it wants. If we begin to buy the copies of compilations made by persons in or out of the Departments and publish them, I fear we are spending money that will never do much good. How many members of Congress will ever look at all into this digest?

I hope we shall strike out this item and let it wait until some committee looks into it and is able to inform us wherein it will be advantageous to the people to buy this copyright and publish 4,500 copies of the work.

Mr. INGALLS. As a part of the same subject, I call attention to the amendment following the one now under consideration:

For the purchase, for the use of Congress, of 1,500 copies of the work entitled The United States Government, by George N. Lamphere, 500 copies for the use of the Senate and 1,000 copies for the use of the House of Representatives, \$2,625.

It appears from the Official Register that this gentleman also, Mr. George N. Lamphere, is borne on the rolls of the office of the Secretary of the Treasury as chief appointment clerk at a salary of \$2,500 per annum. I do not know upon what theory the Committee on Appropriations propose to stimulate literary labor. We have provided by law a copyright by which authors are protected in the enjoyment of their literary property. If they prepare a work that the public want and that has valuable and desirable information, it can be disposed of in the ordinary way that books are sold, and the publisher and the author can make arrangements about dividing the profits.

Here are two books that evidently have no value at all except as wares to sell to Congress. I venture to say that if these books are published they will be distributed and take the ordinary course of public documents, and the consequence will be that year after year these gentlemen will prepare new editions of their works for the purpose of selling them in successful appropriations to Congress.

I have in my mind one work that has been heretofore bought in the same way, a book prepared by Mr. Heyl, who was also in the employment of the Government. In an appropriation bill we provided for purchasing his book, and we kept on purchasing it year after year. It is a book that nobody reads and nobody wants. My theory is that if these books have any value they should be put into the market and sold as other books are, and not be brought into Congress for the purpose of being forced upon us through the medium of an appropriation bill.

Mr. PLUMB. I should like to be informed by the Senator from Iowa, who moved an amendment providing a thousand copies for the use of the executive departments, if he knows what officers of the executive department require the use of the book? There are certainly not a thousand officers, not half that many, who could require the work.

Mr. CONKLING. And especially in the Treasury Department. The Senator can state minutely as to that Department.

Mr. ALLISON. I did not arrange the number to cover exactly the number of the officers, but I think if this work is of any value it will be a matter of great convenience in the custom-houses. It is a work of considerable importance with reference to the Treasury. It is not necessary to enumerate the officers, but it is quite possible that it might be of value to some of the other Departments.

Mr. LOGAN. It contains the decisions of the courts in connection with the internal revenue.

Mr. ALLISON. I am obliged to the Senator for helping me. Certainly a few hundred copies could be distributed among the collectors of internal revenue. I am certain, on reflection, that a thousand copies can be very properly distributed in this way.

Mr. PLUMB. If the object is to secure useful literature among Government employes, I submit that a thousand copies are not enough; the number ought not be limited. But as the Government has got along for twenty-three years without it, I think it ought to be able to get along a little longer, until we can ascertain in some way precisely the merit of this work.

Mr. BECK. This bill, as I said, has to reach the House to-day and get into conference very soon or it will be lost. I am sorry that these two items are in the bill; and I do not care how good they are, no matter how important, I will agree that they be stricken out.

Mr. BURNSIDE. Mr. Lamphere's book is not open to the criticism made by the Senator from Kansas. I drew the amendment in regard to it myself, and I will give my reasons for it. In the first place I think it will be perceived by every one to be a useful book. It is a text-book for every one who has occasion to do business with the Departments of the Government. It is so useful that a great many Senators no doubt have bought it. I will say with reference to a great many of these works that I have purchased them and put them in the public offices, libraries, &c., in Rhode Island. The large United States maps I purchased at my own expense and put one copy in every library and every public building in the State as a matter of information to our people. I notice that people want books of this kind. The author of the book, Mr. Lamphere, is an employe of the Government, to be sure, but he is a one-armed soldier, and did this work outside of office hours. He has printed this book at his own expense. It is not a popular book, a book that will reach any great sale, and I think it is our duty to encourage him in a work of this kind.

Mr. INGALLS. When was it published?

Mr. BURNSIDE. It was published last year or the year before.

Mr. INGALLS. Has it been exposed for sale in the book-stores?

Mr. BURNSIDE. That I cannot say.

Mr. INGALLS. Has any considerable number of copies been sold?

Mr. BURNSIDE. I know nothing about the book except what I say. I have heard of the young man for many years. I talked to him about the matter nearly a year ago. I know that I distributed twenty-five or thirty copies of the book among the public offices in the State of Rhode Island to very great advantage to our people in the way of instructing them how to transact business with the Departments. I know it would be a very useful thing to do, and I should distribute my copies in that way. Just as I say, I bought a number of the United States maps that the Government published and distributed them to public offices in the State.

I hope the amendment will be adhered to. I know there is a precedent for this course. I have voted for the purchase of books in the

Senate very often. This young man has printed his own book, and has not called on the Government of the United States to help him print it. He simply asks the Government to take 1,500 copies; 500 for the use of the Senate, and 1,000 copies for the use of the House of Representatives.

Mr. PLUMB. Since this discussion commenced I am informed by an authority not to be questioned that the Government issues every month, as it has done for a long time, digests of the decisions made in the Treasury Department for the use of the employes of that Department wherever they may be. I should have supposed of course that that was the case. It is not to be supposed that the Government would have been going on for twenty-three years and no one connected with the Treasury would have had the wit to make a digest which was absolutely necessary. I think it is true that they have them and most Senators have seen such digests in the Departments and elsewhere. They can be had in the Library now.

This it seems to me is only another way of giving to somebody a sum of money which the Government does not need to expend at all, for the reason that the purpose of the expenditure has already been accomplished by the Government in the transaction of its daily business, and that enforces, I think, the necessity for caution in regard to matters of this kind.

My colleague spoke of the succeeding amendment. There are a great many desirable books pleasing to the eye and useful in every way which Senators and members of course would be glad to have, many of which I have no doubt they purchase. I purchased a copy of the work of Mr. Lamphere's because I wanted it, and I wanted it bad enough to pay \$3 for it, but I do not care to have the Government now turn around and buy a copy even at the wholesale price to give me another one or half a dozen, as the case may be, in order that they may be distributed among my constituents.

I think, in the first place, the Government printing of books ought to be limited as nearly as possible to strictly governmental objects. The Government ought not to engage in the printing and publication of books which come in competition with private publishers. It is a very seductive thing, of course, to have a lot of good books, gilt and nicely bound, to give to somebody, but it is not a proper way, I submit, to make use of the public money to do anything of that kind.

There is no reason, as I think, why Mr. Lamphere's work should be purchased at the expense of the Government any more than many other books I could name. While no doubt it would be very desirable for members of this body and the other House to have copies of this book, there are other things in the same line which it is desirable to have and which can be had by a person who is sufficiently moved to put his hand into his own pocket and to go into the nearest bookstore and disburse the money necessary to buy it. I submit it is not fair at all that persons shall have books they are not willing to buy themselves and which are directly in the line of private expenditure, and have them provided for out of the public purse.

Mr. BURNSIDE. The same principle applies to the public printing of all our books. We do not hesitate to authorize the printing of three or four hundred thousand copies of the Agricultural Report, which I commend very much indeed. I would be perfectly willing to vote for enough copies to cover the State of Kansas with agricultural reports; but when a book which is prepared by an industrious, intelligent crippled soldier during the time when he is not at work in his office, is offered, and is offered at cost, then the Senator from Kansas is very modest in reference to his expenditure of public money. The same principle precisely is applied to the printing of our public documents which are distributed. Thousands and millions of dollars are appropriated every year for that purpose; but when this little appropriation for this one-armed soldier who has industriously and intelligently produced a work of this kind which is very useful, useful to every Senator on this floor even the most intelligent, giving information as to how he can most easily transact business with the Departments—I say when a proposition of that kind is made then Senators seem to be very much exercised.

Mr. PLUMB. I ask the Senator from Rhode Island, why discriminate in favor of this particular industrious soldier? I think there are other industrious soldiers, who also have published works that it would be desirable to have.

Mr. BURNSIDE. For any work giving as much public information, published by a soldier or any one else possessing as much merit as this, I would vote to print it.

Mr. LOGAN. This debate seems to have moved itself from the paragraph we are discussing on to another one that is not before the Senate. The question of publishing Lamphere's book is not before the Senate at present.

In regard to the publication of the digest of the decisions of the Treasury Department, the Senator from New York [Mr. KERNAN] mentioned the fact that the matter ought to be investigated by a committee. If the Senator will examine the report of the House committee that accompanied this amendment to the Committee on Appropriations, he will find in the report made in the other House by Mr. FRYE the following language:

The committee find the work for the purchase of which this bill provides to be a digest of the decisions of the Treasury Department relating to the tariff, navigation, &c., contained in the synopsis of decisions published by that Department. The decisions number about six thousand five hundred and cover a period of twenty-three years. They are contained in sixteen volumes, are indexed separately and imperfectly, with no general index, and can be referred to only by

those familiar with them, and even then with difficulty. Great inconvenience often results to the Treasury Department from the difficulty of referring to these decisions.

The work is also a digest of the decisions of the Supreme and circuit courts relating to the tariff, navigation, &c., and also of the decisions upon the same subject contained in the Opinions of the Attorneys-General.

"This work has been carefully and skillfully compiled. The committee believe that it will be of great utility to the Treasury and State Departments, and to any person engaged in a revision of the tariff and navigation laws.

Mr. EATON. From what paper does the Senator read?

Mr. LOGAN. I am reading from the report of the Committee on Ways and Means of the House of Representatives made on this subject, and I read it in response to the Senator from New York, who said the matter should be examined by a committee. I simply read from the report to show that it had been examined by a committee and reported favorably.

Mr. DAVIS, of West Virginia. The Senator from Kentucky has indicated that the Committee on Appropriations would not insist on the amendment so as to put an end to this discussion, but I want to say one word to the Senator from Kansas. He spoke of a book issued by the Department similar to this digest, and contrasted it with this book. The publication made annually by the Department is a digest of the appropriations and nothing else.

Mr. PLUMB. Oh, no.

Mr. DAVIS, of West Virginia. I know what I am speaking about.

Mr. PLUMB. What I want to say is that the Department issues every month a digest of the decisions of every one of its bureaus, and also of the Secretary of the Treasury himself.

Mr. LOGAN. But this compilation contains the decisions of the Supreme Court in reference to questions of tariff and navigation, which is entirely different from what the Senator refers to.

Mr. PLUMB. But those are already contained in the decisions of the Supreme Court itself and they are accessible in the library of the Treasury as well as in other libraries.

Mr. LOGAN. It is very true that the decisions of the Supreme Court are accessible to every lawyer, but not to every one who has transactions with the Department.

Mr. DAVIS, of West Virginia. I have no wish to continue this debate. I simply say that the Senator from Kentucky on the part of the committee has stated that these amendments would not be insisted on. He has said that the committee is willing to take that course. The Senator is mistaken entirely as to any comparison between these two digests. The Senate committee acted more upon the report made by the House committee and the representations of members of the House than upon their own examinations; but as far as the committee are concerned it is immaterial to them whether the item remains or is stricken out.

Mr. PADDOCK. I should like to inquire of the Senator from West Virginia, the chairman of the Committee on Appropriations, if this appropriation is based upon an estimate only as to the cost of printing or binding, or if there is beyond that compensation for the authorship of the book? Is the appropriation made upon an estimate only as to the cost of printing the publication?

Mr. DAVIS, of West Virginia. The Senator will see that one of the clauses is for the purchase of the copyright and the other is for printing copies.

Mr. PADDOCK. I speak of the amendment now under consideration, not the Lamphere item. Is it for the purchase of the copyright or is it for the purchase of the book at the cost of printing and binding?

The PRESIDING OFFICER. The amendment as amended will be reported.

The Chief Clerk read as follows:

To enable the Secretary of the Treasury to purchase from F. M. Eastman the copyright and manuscript of his work entitled Digest of the Decisions of the Treasury Department and of the Supreme and Circuit Courts relating to the tariff, navigation, &c., \$2,500; and the said work shall be printed, under the direction of the Secretary of the Treasury, 1,000 copies for the use of the Executive Departments, and 2,500 copies shall be printed for the use of the House and 1,000 copies for the use of the Senate.

Mr. PLUMB. There are sixteen volumes of this report. Multiply that by \$3,500 and it makes \$54,000.

Mr. ALLISON. Oh, no; not sixteen printed volumes.

Mr. PLUMB. According to the statement made by the Secretary of the Treasury there are sixteen printed volumes, and the appropriation to cover this cost would amount to about \$50,000.

Mr. ALLISON. I think not.

The PRESIDING OFFICER. The question is on agreeing to the amendment as amended.

The amendment as amended was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 562, to insert:

For the purchase, for the use of Congress, of 1,500 copies of the work entitled The United States Government, by George N. Lamphere, 500 copies for the use of the Senate, and 1,000 copies for the use of the House of Representatives, \$2,625.

The amendment was rejected.

The next amendment was, after line 568, to insert:

To enable the Secretary of the Treasury to procure information concerning and to make inspection of neat cattle shipped from any port in the United States to any foreign port, so as to enable him to cause to be issued to the shippers of such cattle certificates showing in proper cases that such cattle are free from the disease known as pleuro-pneumonia, the sum of \$10,000, or so much thereof as may be necessary.

Mr. KIRKWOOD. I will ask the committee to consent to an increase of the sum from \$10,000 to \$15,000.

Mr. BECK. The Department officials want \$15,000. They perhaps could get along with \$10,000, but if the Senator from Iowa who is watching the pleuro-pneumonia bill thinks \$15,000 had better be appropriated, for one I will consent to it.

Mr. KIRKWOOD. I am obliged to the Committee on Appropriations.

The PRESIDING OFFICER. Does the Senator from Iowa move to strike out \$10,000 and insert \$15,000?

Mr. KIRKWOOD. I do.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Iowa to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, after line 576, to insert:

To enable the Secretary of the Treasury to reimburse to Ainsworth R. Spofford, Librarian of Congress, the amount stolen from his disbursing clerk on the 28th day of May, 1880, \$2,640.

Mr. BECK. There is a typographical error in line 578. It reads, "to enable the Secretary of the Treasury to reimburse to;" "to" should be stricken out before "Ainsworth R. Spofford."

The PRESIDING OFFICER. The amendment to the amendment will be agreed to. Will the Senate agree to the amendment as amended?

The amendment, as amended, was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 586, in the item for the National Board of Health, after the word "that," to strike out "twenty-five" and insert "seventy-five;" so as to make the proviso read:

That \$75,000 of the appropriation made by act of June 2, 1873, entitled "An act to prevent the introduction of contagious or infectious diseases into the United States," shall be applied to the same purposes; and no more money shall be expended for the above purposes out of any appropriations heretofore made or by virtue of any previous law.

Mr. BECK. We gave that item a good deal of consideration, and required a revised estimate from the National Board of Health, which I desire to have published in the RECORD; it may be useful in conference.

The PRESIDING OFFICER. It will be published in the RECORD at the request of the Senator.

The paper is as follows:

Estimates for National Board of Health.

Office expenses:	
1. Miscellaneous investigations into matters affecting the public health	\$15,000 00
2. Pay and expenses of members	10,000 00
3. Pay and expenses of inspectors	10,000 00
4. Printing Bulletin, blanks, &c.	10,000 00
5. Rent, light, and fuel	1,700 00
6. Stationery	1,000 00
7. Telegrams	500 00
8. Postage	250 00
9. Clerks, messengers, and laborers	19,950 00
10. Miscellaneous expenses	1,600 00
	70,000 00
Maintenance of quarantine stations of the board:	
11. Ship Island	\$18,500 00
12. Sapelo	5,000 00
13. Hampton Roads, Virginia	3,000 00
14. Mississippi River	32,000 00
15. Aid to State local boards	20,000 00
16. Repairs to Ship Island	1,500 00
	80,000 00
Total	150,000 00

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The Secretary resumed and continued the reading of the bill. The next amendment of the Committee on Appropriations was, after the word "mounds," in line 613, to insert "and be available immediately;" so as to make the clause read:

North American ethnology, Smithsonian Institution: For the purpose of continuing ethnological researches among the North American Indians, under the direction of the Secretary of the Smithsonian Institution, \$25,000; \$5,000 of which shall be expended in continuing archaeological investigations relating to mound-builders and prehistoric mounds, and be available immediately.

The amendment was agreed to.

The next amendment was, under the head of "arrears of pay and bounty," after the word "appropriated," in line 20, to strike out "out of any moneys in the Treasury not otherwise appropriated" and insert "the sum of \$300,000 or;" so as to make the clause read:

That with a view to the prompt payment of claims for arrears of pay and bounty due to officers and enlisted men of the regular and volunteer forces, and their heirs and legal representatives, there shall be, and hereby is, appropriated the sum of \$300,000, or so much as may be required to pay said claims, under the following heads of appropriations: "Pay to two and three year volunteers," "bounty to volunteers and their widows and legal heirs," and "pay, &c., of the Army." *Provided, however,* That the Secretary of the Treasury shall report to Congress, at the commencement of each regular session, the amount that has been paid out under this provision during the preceding fiscal year.

Mr. BECK. The only change we made there was to send for an estimate as to how much would be necessary, and we received infor-

mation that about three hundred thousand dollars would be required. Two hundred and fifty thousand and odd dollars being paid this year we believed it would be better to insert the sum estimated for than to leave it indefinite. That is all there is in that amendment.

The amendment was agreed to.

The Secretary resumed and continued the reading of the bill. The next amendment of the Committee on Appropriations was, in the appropriations for "armories and arsenals," after line 638, to insert:

For machinery and shop-fittings, \$15,000.

The amendment was agreed to.

The next amendment was, under the head of "buildings and grounds in and around Washington and the Executive Mansion," after line 706, to insert:

For paving with asphaltum the semi-circular roadway in front of the Executive Mansion, \$8,000.

The amendment was agreed to.

The next amendment was, after the word "Mansion," in line 712, to strike out "five hundred" and insert "two thousand;" after the word "dollars," in line 713, to insert "to be available immediately," and in line 717, after the word "all," to strike out "thirty-eight thousand" and insert "thirty-nine thousand five hundred;" so as to make the clause read:

Executive Mansion: For care of and repairs to the Executive Mansion, and for furniture, \$30,000; for constructing elevator in the Executive Mansion, \$2,000, to be available immediately; fuel for the Executive Mansion and the greenhouses, \$2,000; care and necessary repairs of the greenhouses, \$5,500; in all, \$39,500.

Mr. KERNAN. I ask the committee to explain the necessity of the item for constructing an elevator in the Executive Mansion, \$2,000? What is the necessity for that?

Mr. BECK. The House determined for reasons sufficient as I thought to construct an elevator in the Executive Mansion and made an appropriation of \$500 for doing so, believing that was enough for the purpose. Colonel Casey, the Superintendent of Public Buildings and Grounds, made a careful estimate of what was necessary to construct such an elevator as ought to be constructed there. He brought the estimate to us and assured us he could not do what the House desired to have done for less than \$2,000, and as they had determined to build the elevator and thought they were giving enough, and as the actual amount necessary to do what all desired was \$2,000 instead of \$500 we struck out \$500 and inserted \$2,000. The principal object I believe the House had in view, and I think a very laudable one, is that an aged member of the family of the incoming President is unable to walk up and down the steps, and they desire that she should have an elevator in the House, and I think the Senate will agree to give the sum necessary for that purpose.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, in line 724, after the word "that," to insert "for each burner not connected with a meter in the lamps on the public grounds;" and in line 731, after the word "material," to insert "in the lamps on the public grounds;" so as to make the clause read:

Lighting the Executive Mansion and public grounds: For gas, pay of lamp-lighters, gas-fitters, plumbers, plumbing, lamp-posts, matches, and repairs of all kinds; fuel for office, for the watchmen's lodges, and for the greenhouses in the nursery, \$15,000: *Provided*, That for each burner not connected with a meter in the lamps on the public grounds no more than \$25 shall be paid per lamp for gas, including lighting, cleaning, and keeping in repair the lamps, under any expenditure provided for in this act; and in case a contract cannot be made at that rate the engineer in charge is hereby authorized to substitute other illuminating material in the lamps on the public grounds, and to use so much of the sum hereby appropriated as may be necessary for that purpose.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 748, to insert "to be immediately available;" so as to make the clause read:

Building for State, War, and Navy Departments: For continuing the construction of the building; to cover inside iron-work; plumbing and gas-fitting; granite stairs; heating-apparatus; plastering and stucco-work; materials for approaches; lumber for doors, sash, and flooring; labor and contingencies, \$450,000, to be immediately available.

The amendment was agreed to.

The next amendment was, after line 749, to insert:

For preparing granite for the construction of the west and center wings, \$200,000.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 755, to insert "to be immediately available;" so as to make the clause read:

Continuation of Washington Monument: Earth embankments, marble, granite, iron frame-work, machinery, tools, labor, and office expenses, \$150,000, to be immediately available.

The amendment was agreed to.

The next amendment was under the head of "Signal Service," in line 772, before the word "books" to insert "original studies;" and after the word "for," in line 774, to strike out "three hundred and seventy-five" and insert "four hundred;" so as to make the clause read:

Signal service:

Observation and report of storms: For the expenses of the observation and report of storms by telegraph and signal for the benefit of commerce and agriculture throughout the United States; for manufacture, purchase, and repair of meteorological and other necessary instruments; for telegraphing reports; for expenses of storm signals announcing the probable approach and force of storms; for con-

tinuing the establishment and connection of stations at life-saving stations and light-houses; for instrument-shelters; for hire, furniture, and expenses of offices maintained for public use in cities and ports receiving reports; for river reports; for maps and bulletins to be displayed in chambers of commerce and boards of trade rooms, and for distribution; for original studies, books, periodicals, newspapers, and stationery; and for incidental expenses not otherwise provided for, \$400,000.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 800, to insert:

And the unexpended balance, not exceeding \$8,000, of the appropriation for survey of northern and northwestern lakes for the fiscal year 1881 is hereby reappropriated and made available for the same purpose.

So as to make the clause read:

Survey of northern and northwestern lakes: For water-level observations and reductions, comparisons of standards of base apparatus and reductions, printing and issuing charts for use of navigators, completion of publication of final report, office rent, clerk hire, fuel, and miscellaneous, \$18,000; and the unexpended balance, not exceeding \$8,000, of the appropriation for survey of northern and northwestern lakes for the fiscal year 1881 is hereby reappropriated and made available for the same purpose.

The amendment was agreed to.

The next amendment was, after line 804, to insert:

Surveys and reconnaissances in military divisions and departments: For military surveys and reconnaissances, and surveys of military reservations, by the engineer officers attached to the various headquarters of military divisions and departments, being an average of \$5,000 for each of the nine military divisions and departments west of the Mississippi River, and \$5,000 for publication of maps, \$50,000; this sum to be immediately available.

The amendment was agreed to.

The next amendment was, after line 831, to insert:

For the purchase of the private papers of the late confederate Generals Braxton Bragg and Leonidas Polk relating to the late war of the rebellion, \$20,000.

The amendment was agreed to.

The next amendment was, after line 844, to insert:

For the construction of a public building at Fortress Monroe, Virginia, for a library and collections of the artillery school, and also for offices for the headquarters at the fort, in accordance with the provisions of section 1136 of the Revised Statutes, \$30,000.

Mr. BECK. I desire to be allowed to hand a letter from the Secretary of War to the Reporter regarding that matter.

The PRESIDING OFFICER. The letter of the Secretary of War referred to by the Senator from Kentucky will be printed in the RECORD.

The letter is as follows:

WAR DEPARTMENT,
Washington City, March 1, 1881.

SIR: I have the honor to recommend that a clause be inserted in the sundry civil appropriation bill, to make an appropriation of \$30,000 for erection of a building at Fort Monroe for the library collections of the artillery school and for offices for the headquarters. Such an appropriation is deemed necessary and proper at this time on the grounds set forth in Senate Executive Document No. 2, current series, which promulgates my recommendation of December 6, 1880, on this subject, and which exhibits the fact that as required by section 1136 of the Revised Statutes, plans and estimates for the building were then submitted to the Senate.

Very respectfully,

ALEX. RAMSEY,
Secretary of War.

HON. HENRY G. DAVIS,
Chairman Committee on Appropriations, United States Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. HOAR. An amendment escaped my attention for a moment and I ask leave to go back to it to save calling it up in the Senate when the bill is reported. It is in the upper part of the thirty-fifth page.

The PRESIDING OFFICER. If there be no objection, the amendment will be taken up.

Mr. BECK. I do not object to the Senator taking it up now.

Mr. HOAR. I do not know but that the amendment is all right, and if it has the assent of the Committee on Appropriations without any division in that committee I am very strongly inclined to believe it is all right.

Mr. BECK. I will hand to the Senator a number of papers with regard to it before we are through.

Mr. HOAR. I think there are one or two points that should be stated before it passes, so that it should not go through *sub silentio*. In the first place what is the evidence that these papers are worth \$20,000? In the next place, ought there not to be lodged in some public officer the right to see what papers we get. There is no description of the papers to be purchased. They are to be private papers. I should like to have the Senator from Kentucky state what security there is for the Government getting \$20,000.

Mr. BECK. If the Senator will allow the amendment to be passed over until we get through with the other amendments and come back to it, I will furnish him with all the information I have.

Mr. HOAR. I do not wish to attack what the committee think proper, but I want to know something about it.

Mr. BECK. We had a very full hearing on the subject and a number of papers were furnished to us, all of which I will give when it comes up at the conclusion of the other amendments of the committee.

The PRESIDING OFFICER. Action will be reserved on this amendment until the other amendments are acted upon.

The Secretary resumed and continued the reading of the bill. The next amendment of the Committee on Appropriations was, before the

word "silver," in line 932, to strike out "subsidiary;" in line 933, before the word "passage," to strike out "its" and insert "the;" and after the word "passage" to insert "of this act;" so as to make the clause read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to transport free of charge silver coin when requested to do so: *Provided*, That an equal amount in coin or currency shall have been deposited in the Treasury by the applicant or applicants; and that there is hereby appropriated \$20,000, or so much thereof as may be necessary, for that purpose, and that the same be available from and after the passage of this act.

The amendment was agreed to.

The next amendment was, after the word "war," in line 945, to strike out:

Is directed to sell at public auction, after due advertisement, all the old clothing now held for the national military homes for disabled volunteer soldiers, and, upon proper estimates from time to time, to turn the proceeds over to the managers thereof.

And insert:

Be directed to turn over to the managers of the National Home for Disabled Volunteer Soldiers all the old clothing now held for issue to the National Home.

So as to make the clause read:

Support of National Home for Disabled Volunteer Soldiers, current expenses including construction and repairs: For the central branch, for the eastern branch, for the northwestern branch, for the southern branch, and for out-door relief and incidental expenses, \$950,000: *Provided*, That the Secretary of War be directed to turn over to the managers of the National Home for Disabled Volunteer Soldiers all the old clothing now held for issue to the National Home. Said managers are authorized to estimate for building and maintenance at the central branch of a building or buildings for the safe and proper keeping of the insane. And General John Love, of the State of Indiana, one of the managers of said homes, having died, General George B. McClellan, of the State of New Jersey, is hereby appointed to fill the vacancy for the unexpired term.

The amendment was agreed to.

The next amendment was, after line 963, to insert:

Road from Vicksburgh, Mississippi, to the national cemetery: For completion of roadway from Vicksburgh, Mississippi, to the national cemetery near that city, \$10,000.

The amendment was agreed to.

The next amendment was, after line 967, to insert:

For constructing a carriage-way from New Market street in the city of Jeffersonville, Indiana, to the United States military depot in said city, under the direction of the Secretary of War, \$4,000.

The amendment was agreed to.

The next amendment was, after the word "third," in line 976, to strike out "and fourth volumes" and insert "volume;" so as to make the clause read:

Printing catalogue of the library of the Surgeon-General's Office: For printing and binding the third volume of the catalogue of the library of the Surgeon-General's Office, \$10,000.

The amendment was agreed to.

The next amendment was, after line 1002, to insert:

To continue the permanent improvement of the barracks on the present site at Omaha, Nebraska, \$30,000, to be expended under the direction of the Secretary of War.

The amendment was agreed to.

Mr. HOAR. If the Senate will now go back to the amendment on the thirty-seventh page, I desire to offer an amendment which I understand will be accepted by the committee, and which I think will remove any possible objection.

The PRESIDING OFFICER. Does the Senator from Kentucky, in charge of the bill, consent to go back to the amendment on page 35?

Mr. BECK. Let the Senator's proposition be read; I will hear it.

Mr. HOAR. I desire to amend the amendment by making it, instead of "\$20,000," read "a sum not exceeding \$20,000."

Mr. BECK. That is right.

Mr. HOAR. Then I desire to add this proviso.

Provided, That the President of the United States shall be satisfied that all such papers now in existence are delivered over to the United States, and that the same are of historic importance and value equal to the sum paid.

Mr. BECK. I make no objection to that.

Mr. CONKLING. Should that amendment be adopted, it would be as convenient to know then as well as now why confederate officers are selected and provision made for paying \$10,000 each to their survivors for private papers of theirs. On what principle is it that speaking of a war in which hundreds of officers were conspicuous two are arbitrarily selected and it is proposed to give to the families of each a sum not exceeding \$10,000 for their private papers? If this is to be done at all, I should like to have it passed over for I want to offer an amendment adding a number of Union generals whose private papers I think would be at least equally interesting and equally valuable.

Mr. BECK. I desired to have it passed over and it was so, but the Senator from Massachusetts suggested an amendment to it, I think a very proper one. I am willing that it shall be passed over again if Senators wish; but before I sit down, in answer to the suggestion of the Senator from New York, I will say that in the act approved June 16, 1880, this provision was made:

And the Secretary of War is authorized to negotiate with the legal representatives of the late confederate Generals Bragg and Polk for the purchase of their private papers relating to the late war, and said Secretary shall report thereon at the next session of Congress.

Mr. CONKLING. Has that report been made?

Mr. BECK. That authority was given: that report has been made.

As I understand it the Senator from Texas [Mr. MAXEY] has it, and is familiar with all the facts. The papers have been delivered and part of them are now being published; I believe a majority of those belonging to General Polk are now being published as part of the history of the rebellion. Those belonging to General Bragg have been indexed, and the publication has not yet begun, but the Government is in possession of all the papers under that negotiation. Papers of like character belonging to Albert Sidney Johnston were purchased some years ago and \$10,000 paid for them. A commission was appointed, of which President-elect Garfield was one, and other papers were purchased. Then the act of last year authorized these negotiations, and in accordance with it the papers have been delivered, so that there is some question of good faith I think involved in this. That is the only reason why I thought it ought to be put on this bill; but I will pass it over at the request of the Senator from New York and show him all the papers I have.

Mr. CONKLING. I shall be glad if the Senator will do so.

The PRESIDING OFFICER. Shall action be had on the amendment of the Senator from Massachusetts, or shall the matter be passed over?

Several SENATORS. Let it be passed over.

The PRESIDING OFFICER. The amendment will be passed over.

The Secretary resumed and continued the reading of the bill. The next amendment of the Committee on Appropriations was, after line 1006, to insert:

For the erection of permanent barracks and officers' quarters at Fort Leavenworth, Kansas, according to plans to be adopted by the Secretary of War, \$30,000.

The amendment was agreed to.

The next amendment was, after line 1010, to insert:

For the expenses of the surveys to be made across the peninsula of Maryland and Delaware to connect by canal the waters of the Delaware and Chesapeake Bays, under the direction of the Secretary of War, \$10,000.

Mr. McMILLAN. I desire to ask that that amendment may be passed over for the present. I am under the impression that it was submitted to the Committee on Commerce, that it was embraced in the river and harbor bill, and was finally stricken from that bill.

Mr. WHYTE. Stricken out on the very ground that it was not proper in that bill because it was for a survey of a canal. I understand that was the report of the conference committee.

Mr. McMILLAN. I was not aware on what ground. I know the surveys recommended by the Committee on Commerce are embraced in the river and harbor bill.

Mr. WHYTE. This comes from a different committee entirely.

Mr. BECK. It was the unanimous report of the Committee on Transportation Routes to the Seaboard, after an examination all winter, in which a good deal of testimony was taken. It is a matter of very great importance, and this survey may save a great deal of money hereafter.

Mr. McMILLAN. I was under the impression that the matter was before the Committee on Commerce.

The PRESIDING OFFICER. Does the Senator desire the amendment reserved?

Mr. McMILLAN. I do not desire it if that is the case.

The amendment was agreed to.

The Secretary resumed and continued the reading of the bill. The next amendment of the Committee on Appropriations was, after line 1015, to insert:

For the purchase of a suitable site in the city of Washington for the erection of a brick and metal fire-proof building to be used and occupied by the Pension Bureau, the building to be erected in accordance with plans approved by the Secretary of War and the Secretary of the Interior, under the supervision of the Quartermaster-General of the United States Army, the site for which shall be selected by him, subject to the approval of the Secretaries aforesaid, both as to location and price, and the title to the land to be approved by the Attorney-General of the United States, \$250,000.

The amendment was agreed to.

The next amendment was, after line 1027, to insert:

For the purchase of a suitable site in the city of Washington for the erection of a brick and metal fire-proof building to be used for the safe-keeping of records of the executive departments not required in the present executive offices for constant reference, the building to be erected in accordance with plans approved by the Secretary of War and the Secretary of the Interior, under the supervision of the Quartermaster-General of the United States Army, the site for which shall be selected by him, subject to the approval of the Secretaries aforesaid, both as to location and price, and the title to the land to be approved by the Attorney-General of the United States, \$200,000.

Mr. BECK. Before passing from the portion of the bill about additional buildings I ask unanimous consent to go back to page 42, line 1004, and strike out "at Omaha," and insert "on the present site near Omaha," the building being near Omaha, and not at Omaha.

The PRESIDING OFFICER. If there is no objection that correction will be made. The Chair hears none, and the amendment will be so modified.

The Secretary resumed and continued the reading of the bill. The next amendment of the Committee on Appropriations was in the appropriations for "navy-yards and stations," after the word "dollars," in line 1046, to insert "to be immediately available;" so as to make the clause read:

Navy-yard, Boston, Massachusetts: For repairing rope-walk, \$20,000, to be immediately available.

The amendment was agreed to.

The next amendment was, after line 1052, to insert:

For erecting a new boiler-house for the naval hospital, Mare Island, California, \$3,500.

The amendment was agreed to.

The next amendment was, after line 1055, to insert:

Navy-yard, Pensacola, Florida: To continue the improvement of the Pensacola navy-yard in accordance with the recommendation of the Secretary of the Navy, \$75,000.

The amendment was agreed to.

The next amendment was, after line 1064, to insert:

For the construction of suitable barracks and quarters for the officers and enlisted men of the Marine Corps at Norfolk navy-yard, \$45,000.

The amendment was agreed to.

The next amendment was, after the word "Government," in line 1079, to strike out "the sum of;" and in line 1081, after the word "necessary," to strike out "is hereby appropriated;" so as to make the clause read:

To enable the Secretary of the Navy to protect and preserve cemeteries in foreign countries used for the most part for the burial of citizens of this Government, \$3,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, after line 1081, to insert:

To enable the Secretary of the Navy to immediately charter or purchase, equip, and supply a vessel for the prosecution of a search for the steamer Jeannette, of the Arctic exploring expedition, (which the Secretary of the Navy is hereby authorized to undertake,) and such other vessels as may be found to need assistance during said cruise, \$175,000: *Provided*, That said vessel shall be wholly manned by volunteers from the Navy.

The amendment was agreed to.

The next amendment was, after line 1090, to insert:

Armory, Naval Academy: For the erection of an armory for the safe-keeping and preservation of arms, equipments, and ammunition, in lieu of the present wooden building, \$25,000.

The amendment was agreed to.

The next amendment was, after line 1094, to insert:

Repairs of building, Naval Academy: For the necessary alterations and repairs of the building of the department of steam engineering, \$3,600.

The amendment was agreed to.

The next amendment was, after line 1098, to insert:

Barracks and quarters at the Naval Academy: For construction of suitable barracks and quarters for the officers and enlisted men of the Marine Corps, \$40,000.

The amendment was agreed to.

Mr. BECK. As the reasons for these amendments for barracks at Norfolk and Annapolis and the erection of an armory for safe-keeping and preservation of the arms and equipments at the Naval Academy, I desire to place upon record letters from the Secretary of the Navy.

The letters are as follows:

NAVY DEPARTMENT,
Washington, December 15, 1880.

SIR: I have the honor to call the attention of the committee to the importance of having made, at the present session of Congress, appropriations for the construction of suitable barracks and quarters for the marines at Annapolis, Pensacola, and Norfolk. Such quarters and barracks are very much needed for the comfort and efficiency of this branch of the service.

For quarters and barracks at Pensacola, the sum of \$100,000 is necessary. This is the estimate of the board ordered recently by the Department to visit the Pensacola yard and report what is necessary to put it in an effective condition.

The sum of \$40,000 is required for the construction of barracks at Annapolis. This improvement was recommended by the board of visitors to the Naval Academy, in June last.

The sum of \$45,000 is required for the construction of barracks at the Norfolk navy-yard.

The officers and privates of the Marine Corps stationed at Annapolis have, for many years, suffered the inconvenience of unhealthy and unsuitable quarters and accommodations, and I urgently present the subject to the attention of Congress.

Very respectfully, your obedient servant,

R. W. THOMPSON,
Secretary of the Navy.

Hon. H. G. DAVIS,
Chairman Committee on Appropriations, United States Senate.

NAVY DEPARTMENT,
Washington, February 19, 1881.

SIR: I have the honor to call the attention of the Senate to the importance of amending the bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and to earnestly request that provision may be made, in accordance with estimates submitted (page 148, Book of Estimates) for "the erection of an armory for the safe-keeping and preservation of arms, equipments, and ammunition, in lieu of the present wooden building, which is entirely unsuited for the purpose, and now beyond repair, \$25,000; the necessary alterations and repairs of the building of the department of steam engineering, \$3,600; total Naval Academy, \$28,600."

The small amount asked for the alterations and repairs of the "steam building" (\$3,600) is an absolute necessity; owing to the fact that some of the foundation-work for the support of the columns and machinery were originally made of wood and placed on the top of piles, which has rotted away; also, that the number of cadets at the academy is now much larger than when the building was constructed, and it is necessary to make some alterations, in order to properly accommodate them during instruction. The floor in the center of the building has settled some four inches.

The present armory and drill-room is a rough board building, erected for temporary use at the time the Naval Academy was transferred from Newport, Rhode Island, to Annapolis. It is the only building at the academy for the storage of the large amount of the different classes of small-arms and artillery used in the instruction of the cadets. It is also the only place in which the cadets can be drilled in cold and bad weather. It is now unfit and unsafe for this purpose, as it is old and rotten and has twice nearly fallen down. To keep it erect it has been neces-

sary to shore it up with timbers the whole length (southeast side) on the side opposite to the direction of the prevailing winds.

Very respectfully, your obedient servant,

Hon. WILLIAM A. WHEELER,
Vice-President of the United States.

N. GOFF, JR.,
Secretary of the Navy.

The Secretary resumed and continued the reading of the bill. The next amendment was, in the appropriations for "public buildings," in line 1120, after the word "the," to strike out "same" and insert "rooms;" so as to make the clause read:

Capitol extension: For work on the Capitol and general repairs thereof, for fire-proofing the gallery of the National Statuary Hall and the rooms adjoining, for shelving the rooms for the accommodation of the House documentary library, for cutting doorway from the northwestern room to connect with the Congressional Library, and for shelving such rooms in the basement story of the south wing of the Capitol as the Speaker may designate for the reception of the stationery and files to be moved from the rooms connected with the Hall, \$50,000.

The amendment was agreed to.

The next amendment was, after line 1132, to insert:

For fire-proofing the roof of the National Statuary Hall, \$26,000.

The amendment was agreed to.

The next amendment was, after line 1134, to insert:

To enable the Joint Committee on the Library to purchase works of art, \$10,000.

The amendment was agreed to.

The next amendment was, after line 1156, to insert:

Rent of building for Court of Claims: To enable the Secretary of the Interior to pay the rent for that part of the Freedman's bank building as is occupied by the Court of Claims, \$3,600.

The amendment was agreed to.

The next amendment was, in the appropriations for "expenses of the collection of revenue from sales of public lands" before the word "district," in line 1234, to strike out "ninety-three;" so as to make the clause read:

For salaries and commissions of registers of land offices and receivers of public moneys at district land offices, at not exceeding three thousand dollars each, \$450,000.

The amendment was agreed to.

The next amendment was, in the appropriations for "surveying the public lands," in line 1248, after the word "dollars," to insert "to be immediately available;" in line 1254, after the word "mountainous," to strike out "and" and insert "or;" and in line 1257, after the word "lines," to insert:

Provided, That nothing herein contained shall be construed to repeal or modify the provisions of sections of the Revised Statutes numbered 2404 and 2405, in regard to surveys to be made in California, Oregon, and Washington Territory.

So as to make the clause read:

Surveying the public lands:

For surveying the public lands, \$300,000, to be immediately available, at rates not exceeding \$12 per linear mile for standard and meander lines, \$10 for township, and \$2 for section lines, except that the Commissioner of the General Land Office may allow, for the survey of standard and meander lines through lands heavily timbered, mountainous, or covered with dense undergrowth, a sum not exceeding \$16 per linear mile for standard lines, \$14 for township, and \$10 for section lines: *Provided*, That nothing herein contained shall be construed to repeal or modify the provisions of sections of the Revised Statutes numbered 2404 and 2405, in regard to surveys to be made in California, Oregon, and Washington Territory.

The amendment was agreed to.

The next amendment was, after line 1286, to insert:

For running connection lines, guide meridians, and township lines in the strip of public land lying north of the State of Texas, and bounded on the north by the States of Colorado and Kansas, to be done under the direction of the Commissioner of the General Land Office, \$18,000.

The amendment was agreed to.

Mr. GARLAND. I want to submit an amendment to come in after the word "dollars" in line 1310, to be subject to my call.

The PRESIDING OFFICER. The Senator from Arkansas proposes to offer an amendment, which will be read.

The SECRETARY. After the word "dollars," in line 1310, it is proposed to insert:

Provided, That in addition to the duties of the Director of the Geological Survey as now prescribed by law, he may extend his examination of the geological structure and mineral resources and products into the respective States, when requested by the authorities thereof.

Mr. BECK. I reserve all points of order against that.

The PRESIDING OFFICER. It is not now offered, but notice given of it.

The Secretary resumed and continued the reading of the bill. The next amendment of the Committee on Appropriations was, under the head of "Geological Survey," after line 1315, to insert:

Hot Springs reservation, Arkansas: For the improvement of Hot Springs Creek within the limits of the permanent reservation at Hot Springs, Arkansas, the erection of a wall along its west bank, and for such other improvements of the reservation as may be necessary, the sum of \$33,744.78, the amount received for rents at Hot Springs and covered into the Treasury, to be immediately available and expended under the direction and supervision of the Department of the Interior.

Mr. BECK. I desire to have inserted in the RECORD a letter from the Secretary of the Interior relative to that amendment, which explains it so well that I need say nothing.

The letter is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, January 29, 1881.

SIR: By the act of Congress relating to the Hot Springs reservation in the State of Arkansas, approved March 3, 1877, the Secretary of the Interior was authorized to use the money received for water rents for the protection and necessary improvement of the reservation. Before the date of this act the receiver appointed by the Court of Claims under the act of June 11, 1870, had collected the sum of \$33,744.78

for rents, which amount was covered into the Treasury of the United States. An improvement is very desirable for which there is no fund on hand. The west line of the permanent reservation at Hot Springs, Arkansas, forms the east line of Valley street, the principal thoroughfare in the town. Before this street can be graded to the lines established by the Hot Springs commission it will be necessary to construct a substantial stone wall along the line of the creek running in front of the reservation. As this creek is within the limit of the permanent reservation it is proper that the expense necessary for its improvement should be borne by the United States. I therefore recommend that the amount collected by the receiver, \$33,744.78, and covered into the United States Treasury by warrant No. 1050, fourth quarter, 1877, and warrant No. 1644, third quarter, 1878, be appropriated for the improvement of the Hot Springs Creek, and for the erection of the wall along its west bank, and for such other improvements of the reservation as may be necessary, the work to be done under the direction and supervision of the Department of the Interior.

Very respectfully,

C. SCHURZ, Secretary.

The SPEAKER
Of the House of Representatives, Washington.

The amendment was agreed to.

The next amendment was, under the head of "Government Hospital for the Insane," in line 1340, after the word "of," to strike out "such persons as are entitled to admission therein under the provisions of chapter 4 of the Revised Statutes of the United States, \$100,000," and in lieu thereof to insert:

The insane of the Army, Navy, Marine Corps, and revenue-cutter service and of all persons who have become insane since their entry into the military or naval service of the United States, and who are indigent, and of the indigent insane from the District of Columbia, \$153,000; and of this sum not exceeding \$1,000 may be used for transporting patients to their friends.

So as to make the clause read:

Government Hospital for the Insane:

Current expenses, Government Hospital for the Insane: For support, clothing, and treatment in the Government Hospital for the Insane of the insane of the Army, Navy, Marine Corps, and Revenue-Cutter service, and of all persons who have become insane since their entry into the military or naval service of the United States, and who are indigent, and of the indigent insane from the District of Columbia, \$153,000; and of this sum not exceeding \$1,000 may be used for transporting patients to their friends.

Mr. SAULSBURY. I wish to inquire of the Senator from Kentucky why the committee proposes to strike out the words "such persons as are entitled to admission therein under the provisions of chapter 4 of the Revised Statutes of the United States, \$100,000," and insert these other words with an increased amount. What is the reason of that amendment striking out the provision referring to the statutes?

Mr. BECK. The sundry civil act for the current year provides:

That hereafter the admissions to the hospital shall be limited to such persons as are entitled to treatment therein under the provisions of title 59, chapter 4, of the Revised Statutes of the United States, and under the act approved March 3, 1875, chapter 156, second session Forty-third Congress.

Mr. VOORHEES. I wish to give notice that after the committee's amendments have been considered and passed upon, I shall offer an amendment to come in on page 56, at the end of line 1350, and I ask to have it read at this time and I will explain it afterward.

The PRESIDING OFFICER. The Senator from Indiana gives notice that after the amendments of the Committee on Appropriations have been acted on, he will offer an amendment to this amendment, which will be reported now for information.

The Secretary read as follows:

That the proper accounting officers of the Treasury be, and they hereby are, authorized and directed to pass to the credit of Charles H. Nicholls, late superintendent of the Government Hospital for the Insane, the sum of \$3,037.09, that being the amount disallowed in his accounts, and being the difference in salary between \$2,500 and \$4,000 per annum from June 22, 1874, to June 30, 1876, said disallowance having been made to conform to the requirements of the Revised Statutes, section 4839, adopted June 22, 1874; and the salary of the said superintendent is hereby fixed at \$4,000 per annum, as originally provided in act of March 2, 1867.

Mr. BECK. If the Senator will have it sent to the committee-room to be placed on the deficiency bill, I think it will be more likely to be passed there. I believe it is all right.

Mr. VOORHEES. I may take that course.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations which has been read.

The amendment was agreed to.

The Secretary resumed and continued the reading of the bill. The next amendment of the Committee on Appropriations was, in the appropriations for "Columbia Institution for the Deaf and Dumb," after line 1366, to insert:

For the improvement and inclosure of grounds, \$3,000

The amendment was agreed to.

The next amendment was, under the head of "Indian affairs," after the line 1400, to insert:

To purchase from the Creek Nation of Indians, for the use of the Seminole Indians, at the price of \$1 per acre, 175,000 acres of land adjacent, on the east, to the dividing line between that portion of the Creek domain ceded to the United States by the Creek treaty of June 14, 1866, and that portion retained by the Creeks, being the land belonging to the Creek Nation upon which the Seminoles were erroneously located by the authorities of the United States, supposing it to be the land granted to the Seminoles by the third article of the treaty with the Seminoles dated March 21, 1866, \$175,000; and the Secretary of the Interior is hereby authorized to purchase said lands from the Creek Nation of Indians for the use of the Seminole Indians.

The amendment was agreed to.

The next amendment was, after line 1416, to insert:

To pay for the survey of the tract of land, to embrace 175,000 acres, authorized by this act to be purchased from the Creek Nation of Indians for the use of the Seminole Indians, \$1,000, or so much thereof as may be necessary; and the Secretary of the Interior is hereby authorized to cause said lands to be surveyed and set apart for the use of the Seminole Nation of Indians.

The amendment was agreed to.

Mr. BECK. I hold in my hand relative to that matter important letters from the Acting Commissioner of Indian Affairs and the Assistant Secretary of the Interior, which I shall hand to the Reporter to be inserted in the RECORD.

The letters are as follows:

DEPARTMENT OF THE INTERIOR, OFFICE OF INDIAN AFFAIRS,
Washington, February 18, 1881.

SIR: I have the honor to invite the attention of the Department to a question that has been a matter of dispute and disturbance since 1867 between the Seminoles and Creeks, in Indian Territory—the present location of the Seminoles. The history of the matter is, briefly as possible, as follows:

By the third article of the Creek treaty of June 14, 1866, (Stats. 14, page 786,) the Creeks ceded to the United States the west half of their entire domain, "to be sold to and used as homes for such other civilized Indians as the United States may choose to settle thereon." The Creek domain at that date embraced the region designated in red on the map herewith. The eighth article of the treaty made it the duty of the Secretary of the Interior to cause the line dividing the Creek country to be accurately surveyed, the expense to be paid by the United States.

By the third article of the Seminole treaty of March 21, 1866, (Stats. 14, page 756,) the Seminoles ceded their entire domain to the United States "to locate other Indians and freedmen thereon," the United States agreeing to pay therefor to the Seminoles the sum of \$325,362. By the same article the United States granted to the Seminoles 200,000 acres of the lands acquired by cession from the Creeks. The lands thus granted to the Seminoles were to be taken from the extreme eastern portion of the tract ceded by the Creeks, as is evident from the terms of the grant in the treaty, although in that respect the treaty is loosely worded, the 200,000 acres granted to the Seminoles being described as follows:

"Beginning on the Canadian River where the line dividing the Creeks lands according to the terms of their sale to the United States by their treaty of February 6, 1866, following said line due north to where said line crosses the north fork of the Canadian River; thence up said north fork of the Canadian River a distance sufficient to make 200,000 acres by running due south to the Canadian River; thence down said Canadian River to the place of beginning."

It is clear that the line separating the westerly half of the Creek domain ceded to the United States from the easterly half, retained by the Creeks, was intended to be the east line of the Seminole 200,000 acres tract; that the south and north boundaries of this tract were to be the Canadian River and north fork of the Canadian River, respectively, and that the west boundary must be a line parallel to the east boundary and distant therefrom far enough to include the requisite number of acres. The reference in this treaty to the date of the Creek treaty (February 6, 1866) is evidently either a misprint or a mistake of the draughtsman, as there is no treaty of that date between the United States and the Creeks. The treaty with the Seminoles was concluded March 21, 1866; that with the Creeks June 14 of that year. As before stated, it was, however, evidently the intention of the parties to the treaty of March, 1866, that the lands ceded to the Seminoles should be situated on the eastern portion of the domain, which it was believed would be ceded to the United States, for it is well known that negotiations were going on for a length of time between the commissioners on the part of the United States and the delegates of the Creek and Seminole Indians, and that the cession by the Creeks to the United States of the land granted to the Seminoles was agreed upon, and would be made when a treaty was concluded. Before, therefore, the actual location granted to the Seminoles, and which was to constitute their national domain, could be determined, it was necessary that the Creek dividing line should be established. This duty was devolved upon the Secretary of the Interior by the eighth article of the Creek treaty, the expenses to be paid by the United States, and an appropriation of \$4,000 was made by Congress for this purpose July 23, 1866. (Stats. 14, page 430, third paragraph from top of page.)

At this time a large part of the Seminoles were homeless. During the war of the rebellion a portion of them had cast their fortunes with the South, and those declining to do so were refugees in Kansas, in the neighborhood of Neosho Falls, whence in the fall of 1865 they were removed to the west side of the Arkansas River, in Indian Territory, upon Cherokee lands. It had been found impracticable to remove them to their old homes in the Seminole country, for the reason that no supplies could be had there, and the long distance from Fort Gibson (about one hundred and sixty miles) to transport supplies, induced the Department to abandon the idea of settling them on their own domain, and to locate them for the time being near Fort Gibson, where Indian supplies were then delivered.

In September, 1865, the agent for the Seminoles reported that a considerable portion of the tribe had removed to their new homes, and that the remainder were preparing to emigrate that fall. In October the agent reported as follows:

"On my arrival here (Fort Gibson) I find this state of facts to exist: The Seminoles were living on Cherokee lands. They have raised small crops of corn and garden produce, which is now all gone. There is no game or meat nearer than their own country, one hundred and twenty-five miles from here. In their own country the few remaining cattle are being exhausted by the southern portion of the Seminoles. They are anxious to get home to save what few they may be able to secure. They wanted to get home so as to cut hay and prepare cabins for winter; and besides all this, the Cherokees are dissatisfied at their long stay on their lands and the using of their timber, when it was understood, when permission was given to camp on their lands, that the Seminoles were only to stay during last winter. They could not go without some assistance from the Government. Acting with the advice of Judge Harlan, agent for the Cherokees, and J. W. Dunn, agent for the Creeks, I have assumed the responsibility to attempt their removal. I have employed teams on my own credit, and will start them for home in a day or two. I shall provide transportation only for the sick, the children, and their household goods. What they will do for provisions at their homes, I cannot tell; but they are suffering here and cannot do worse in the Seminole country. I am aware that I have assumed considerable responsibility, but I know I have acted for the best interests of the Government and the Indians, and I hope I may be sustained."

A portion of the Seminoles thus removed themselves, and the remainder were removed by the Government, to what was supposed to be the country granted to them by treaty, before the boundaries of the land thus ceded had been marked. No appropriation had been made for the survey of this tract except the appropriation of \$4,000 before referred to to survey the Creek dividing line, and this was found to be inadequate even for that purpose. In the meantime the necessity for the survey of the dividing line between the Creek lands ceded to the United States and those retained by the Creeks, as well as for the segregation of the 200,000 acres granted to the Seminoles, was urged by the Creek and Seminole agents, and in August, 1867, the Superintendent of Indian Affairs was instructed to have the dividing line surveyed if in his opinion the appropriation of \$4,000 was sufficient to defray the expenses; if insufficient, that he should submit an estimate of the amount required.

After examination of the matter that officer reported that he was forced to the conclusion that there was a deficiency of information required to make the survey and especially a deficiency of means on hand to accomplish it, and submitted an estimate made by a practical surveyor, showing that a much larger amount was required than had been appropriated.

Afterward the superintendent was authorized to employ a competent surveyor to execute the survey of the Creek dividing line and the Seminole 200,000 acres tract; an additional estimate to be made to Congress and payment to be made as far as the

existing appropriation of \$4,000 would provide, the surveyor to rely upon the favorable action of Congress for the remainder. An additional appropriation of \$5,000 was made March 3, 1869, to complete the survey of the dividing line and to survey the exterior boundary of the grant to the Seminoles, (Stats. 15, page 315.) The superintendent entered into contract with John C. Rankin to do the work. I am informed that his survey at first located the east boundary of the Seminole tract (and to that extent the Creek dividing line) about seven miles east of the correct location of said line as afterward ascertained, and this survey was, therefore, not approved, and he was required to correct it.

This incorrect survey placed the eastern line of the Seminole tract approximately as shown in green on the map. As finally surveyed and approved by the Secretary of the Interior, July 15, 1872, the correct Creek dividing line is as shown in black on the map. The country between these two lines, embracing an area estimated at about one hundred and seventy-five thousand acres, had been settled upon and occupied by the Seminoles since the fall of 1866, the Indians believing themselves, and the Department believing them, to be upon the domain granted by the treaty, and having made for themselves homes and very valuable improvements.

When it became known that the Seminoles were occupying lands belonging to the Creeks, the latter protested against such occupancy. Disputes as to jurisdiction arose between the Creeks and Seminoles, the former contending that as the country was theirs they had jurisdiction over it, and the Seminoles refusing to recognize such jurisdiction over the tract occupied by them. The Department held that while the Creeks were not responsible for the inaccurate survey of the western boundary of their country, the Seminoles certainly should not be subjected to the experience of a jurisdiction to which they were averse and within which it was not designed in the treaty to place them, and the Creeks were accordingly notified that their claim to exercise jurisdiction over the Seminoles was not approved by the Department, and that any idea of attempting it should be abandoned.

By act of 3d March, 1873, (Stats. 17, page 626,) the Secretary of the Interior was authorized to negotiate with the Creeks for the relinquishment to the United States of the tract on which the Seminoles had been erroneously located. Under this authorization three attempts were made to effect a satisfactory adjustment of the matter. Soon after the passage of the act a committee, consisting of Enoch Hoag, one of the superintendents of Indian affairs, Thomas C. Jones, and John A. Milliken were deputed to negotiate with the Creeks and Seminoles for a final and permanent adjustment of their reservations.

They accomplished nothing. The Creeks were unwilling to lessen the area of their reserve, and refused to cede or sell, and demanded that the Seminoles should either become incorporated with them or remove from their land, neither of which the Seminoles would do, as they had been placed there by the Government and were unwilling again to break up their homes and establish new ones. This effort being fruitless of any satisfactory results, in 1875 Hon. J. P. C. Shanks was appointed a special commissioner, among other duties, to settle or attempt to settle the matter, the records of this office showing that he was authorized to offer the Creeks \$1 per acre for the Seminole tract.

In October of that year, Mr. Shanks laid before the Creek council a proposition contemplating the cession by the Creeks to the United States, for the Seminoles, of the tract occupied by them, (estimated to contain one hundred and seventy-five thousand acres,) the United States to pay the Creeks \$1 per acre, its true area to be ascertained by survey to be paid for by the United States.

The Creek council authorized a committee of five "to arrange and settle by treaty or otherwise all Creek interests with the United States Government." This committee proposed to Mr. Shanks to negotiate for the cession to the United States of the tract upon which the Seminoles were located, but they embraced in such negotiation an agreement on the part of Mr. Shanks to obligate the Government to bring to speedy settlement and payment a mass of claims alleged by them to be unsettled.

As the authority of the Secretary of the Interior, and the agent appointed under the act of 3d March, 1873, was specifically for the adjustment of the question of the location of the Seminoles, the proposition of the Creeks could not be entertained, and General Shanks so informed them. So that effort ended, except that after Mr. Shanks's arrival in Washington he was informed by a letter from the Creek principal chief that the Creek council had authorized a commission of thirteen to negotiate for the sale of the Seminole tract upon such terms "as will give the best satisfaction to the Muscogee people," and directing the commission to "report their negotiations to the next annual session of the national council for its approval or rejection."

Matters rested thus until November, 1876, when the third effort was made by sending Mr. S. A. Galpin as a special agent to negotiate. He made no report.

I am now informed by letter from the Department, dated 12th instant, that the Creek delegation resident in this city have signified their willingness to sell to the United States 175,000 acres of their land lying east of the "division line" for the use of the Seminoles, at the rate of \$1 per acre in settlement of all differences and demands on or against the United States growing out of the question of the Seminole occupation thereof.

In view of the fact that the tract of country in question is understood to embrace among the most valuable lands in the Creek reserve, and that the Creeks have been deprived of its use for more than fifteen years in consequence of the location of the Seminoles on it by the agent of the Government, I regard the price named as a just basis for settlement, and therefore respectfully recommend that Congress be requested to insert in one of the appropriation bills yet to be acted on at the present session an item of appropriation in the sum of \$175,000 for the payment to the Creeks, at \$1 per acre, for 175,000 acres of land lying east of the dividing line and between the Canadian River and the North Fork of Canadian River for the use of the Seminoles, and an additional item of \$1,000, or so much thereof as may be necessary to survey the out boundaries of the tracts so purchased. To this end I submit a draught of items, as above indicated.

As shown in the foregoing, the homeless condition of the Seminoles, and their unwelcome occupation of lands belonging to another tribe, as well as the necessity of settling them somewhere as soon as possible, in order to enable them to commence to support their families, led the Government to locate them on what at the time was supposed to be the land that would inure to them when the "dividing line" should be surveyed, but which, upon the correct survey of that line, was found to be included in the Creek reserve. That they were thus erroneously located is, under the circumstances, not to be wondered at; but certainly it was through no fault of the Seminoles, and the Government should therefore pay the Creeks for the lands sought to be purchased, and should also meet the expense of the survey thereof. The Seminoles certainly should not be required to do this, especially when it is considered that they received only fifteen cents an acre for the country relinquished by them in the treaty of 1866, while the United States paid the Creeks thirty cents per acre for the half of their domain ceded to the United States, and then charged the Seminoles fifty cents an acre for the part of the same land sold to them, and only after the lapse of nine years made up to them the difference in price.

Very respectfully, your obedient servant,

THOS. M. NICHOL, Acting Commissioner.

The honorable the SECRETARY OF THE INTERIOR.

DEPARTMENT OF THE INTERIOR, Washington, March 1, 1881.

SIR: The accompanying map indicates the lands selected and those occupied by the Seminoles in the Indian Territory.

The dark line running north and south represents the dividing line between the Creek reservation and their ceded lands, and the tract marked in green pencil lines denotes the lands now occupied by the Seminoles, while that in blue lines immediately west indicates the two-hundred-thousand-acre tract purchased for them under the treaty.

Very respectfully,

A. BELL, Assistant Secretary.

Hon. HENRY G. DAVIS,
Chairman Committee on Appropriations, United States Senate.

The reading of the bill was resumed. The next amendment was, after line 1424, to insert:

That from the funds on hand and belonging to the Peoria, Wes, Kaskasia, and Piankeshaw Indians there is hereby appropriated the sum of \$500, the same to be immediately available; and the Secretary of the Interior is hereby authorized and directed to pay the same over to the delegation of Indians now or recently in Washington, for the purpose of defraying the expenses of said delegation.

The amendment was agreed to.

The next amendment was, after line 1437, to insert:

MISCELLANEOUS OBJECTS UNDER THE DEPARTMENT OF AGRICULTURE.

For the purchase and distribution of seeds, under the direction of the Commissioner of Agriculture, to settlers on the public lands in the new States and Territories whose crops were destroyed during the past year by drought and grasshoppers, \$20,000.

For the purchase of plates and manuscript, from Professor Townend Glover, on the insects of America, \$7,500.

Mr. BECK. We desire to add after the word "dollars," in line 1444, at the end of the first item, "to be immediately available."

The PRESIDING OFFICER. Is there objection to this modification? The Chair hears none, and it will be made.

The amendment, as modified, was agreed to.

The Secretary resumed and continued the reading of the bill. The next amendment of the Committee on Appropriations was, after "Attorney-General," in line 1469, to strike out "twenty-five" and insert "thirty;" so as to make the clause read:

Defending suits in claims against the United States: For defraying the necessary expenses incurred in the examination of witnesses and procuring of evidence in the matter of claims against the United States and the District of Columbia pending in any Department, and for necessary expenses incurred in defending suits in the Court of Claims, to be expended under the direction of the Attorney-General, \$30,000.

The amendment was agreed to.

The next amendment was, in line 1523, after the word "law," to insert "to hold a circuit or district court;" so as to read:

For expenses and fees of bailiffs, furniture, for payment of expenses of district judges who may be sent out of their districts in pursuance of law to hold a circuit or district court, and for other miscellaneous expenses, \$325,000; in all, \$2,950,000.

The amendment was agreed to.

The next amendment was, after the word "dollars," in line 1526, to insert:

And so much of section 596 of the Revised Statutes as forbids the payment of the expenses of district judges while holding court outside of their districts is hereby repealed.

The amendment was agreed to.

The next amendment was, under the head of "public printing and binding," after line 1580, to insert:

For printing an edition of 5,000 copies of the first volume of the report of the Committee on Transportation Routes to the Seaboard in 1874, \$4,000.

Mr. McMILLAN. I offer an amendment to the amendment of the committee distributing the volumes authorized to be published:

Two thousand copies for the use of the Senate, and 3,000 copies for the use of the House of Representatives.

There is no distribution in the committee's amendment.

Mr. BECK. That is an improvement on our amendment.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The Secretary resumed and continued the reading of the bill to the end of line 1586.

Mr. BECK. In line 1586, after the words "for commissioners, not exceeding three in number," the committee instruct me to offer an amendment, which is omitted in the printed bill, in the words "to be appointed by the President, by and with the advice and consent of the Senate;" so that it shall read:

For commissioners, not exceeding three in number, (to be appointed by the President, by and with the advice and consent of the Senate,) to represent the United States at a conference, &c.

The amendment was agreed to.

The Secretary continued the reading of the bill. The next amendment of the Committee on Appropriations was, in line 1592, after the word "each," to insert "and for a secretary to said commissioners, the sum of \$3,000;" and in line 1594, after the word "State," to strike out "and for a secretary to each of such commissioners, the sum of \$3,000;" so as to make the clause read:

For commissioners, not exceeding three in number, (to be appointed by the President, by and with the advice and consent of the Senate,) to represent the United States at a conference to be called to adopt a common ratio between gold and silver, for the purpose of establishing internationally the use of bimetallic money and securing fixity of relative value between those metals, the sum of \$5,000 each, and for a secretary to said commissioners the sum of \$3,000, and their reasonable expenses, to be approved by the Secretary of State; the amount necessary to pay such compensation and expenses to be immediately available out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The next amendment was, after line 1607, to insert:

For contribution to maintenance of International Bureau of Weights and Measures for the calendar year 1881, in conformity with terms of convention signed May 20, 1875, to be expended under the direction of the Secretary of State, \$2,270, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, after line 1614, to insert:

To pay the necessary expenses of the French and American claims commission, provided for by the act approved June 16, 1880, \$50,000.

The amendment was agreed to.

The next amendment was, after line 1618, to insert.

SENATE.

To enable the Secretary of the Senate to pay for preparing the index to private claims, under the resolution of June 16, 1880, directing him to prepare an alphabetical list of all private claims which have been before the Senate, with the action of the Senate thereon, since the 3d day of March, 1867, \$2,500.

The amendment was agreed to.

The next amendment was, after line 1626, to insert:

To enable the Secretary of the Senate to pay Francis E. Shober, Chief Clerk of the Senate, for preparing, under a resolution of the Senate of the 16th of June, 1879, a new edition of the Manual, \$1,000.

The amendment was agreed to.

The next amendment was, after line 1631, to insert:

To enable the Secretary of the Senate to pay George W. Harrison additional for services as assistant clerk to the Committee on Appropriations of the Senate, \$400.

The amendment was agreed to.

Mr. MAXEY. The amendment beginning on line 1620 was passed without my notice though I was endeavoring to keep here up with the reading. I desire to offer an amendment to that.

I call the attention of the Committee on Appropriations to the amendment offered beginning on line 1620 to line 1626. The object of that amendment is "to enable the Secretary of the Senate to pay for preparing the index to private claims, under the resolution of June 16, 1880, directing him to prepare an alphabetical list of all private claims," &c. It appropriates \$2,500 for this service. Precisely like work was ordered for six Congresses beginning with the Thirty-fourth and ending with the Thirty-ninth, for which the Government paid \$7,000. This covers six Congresses and the first and second sessions of the present Congress, covering a period when there have been in my judgment, and I think the present occupant of the chair as chairman of the Committee on Claims will indorse it, more private claims presented than ever before. It is a necessity to every committee that there should be this history of private claims in order to protect the committees from imposition. The work has been as the Secretary of the Senate certifies correctly and well done, and he wants \$4,250 to pay for it.

Mr. BECK. Will not the Senator from Texas allow us to pass over that until uncontested amendments are disposed of?

Mr. MAXEY. I can see no reason why \$7,000 should be allowed for less work, less Congresses, and only \$2,500 for more Congresses covering far more work.

Mr. BECK. If the Senator will allow us to pass over this we shall come back to it, and I will consider what the Senator has to suggest.

Mr. MAXEY. I want what is fair to these clerks who are competent men and worked during the two months they were entitled by law to a recess, and I think they are fairly entitled to pay for this work which is of great value to us. I give notice that I shall move—

Mr. VEST. I have an amendment to offer to that clause.

Mr. MAXEY. I simply want to give notice that I shall move to make it correspond to the estimate made by the Secretary of the Senate.

Mr. BECK. The amendment of the Senator from Missouri [Mr. VEST] is in language that will accomplish the purpose. Let the whole question be reserved for a vote hereafter.

The PRESIDING OFFICER. The amendment from lines 1620 to 1626 will be regarded as not having been acted on and will be reserved for a separate vote hereafter.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, after line 1635, to insert:

To enable the Secretary of the Senate to pay the person in charge of the Senate telephone, from January 14 to June 30, 1881, at the rate of \$720 per annum, \$334.

The amendment was agreed to.

The next amendment was, after line 1640, to insert:

To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to all committee clerks, pages, and other employees of the Senate and House of Representatives, respectively, and who shall be so employed at the adjournment of this Congress, who do not now receive annual salaries, a sum equal to thirty days' pay at their present rate of compensation, as extra pay; and an amount sufficient to pay the same is hereby appropriated out of any money in the Treasury not otherwise appropriated, and shall be immediately available.

The amendment was agreed to.

Mr. WALLACE. By direction of the Committee on Appropriations, I offer the following amendment to come in immediately after line 1650:

That the Secretary of the Senate be, and is hereby, authorized and directed to pay to the widow of M. H. CARPENTER, deceased, late Senator from the State of Wisconsin, the sum of \$5,466.70, the amount of compensation of a Senator and mileage from February 25, 1881, to March 4, 1882.

The amendment was agreed to.

The Secretary resumed the reading of the bill. The next amendment of the Committee on Appropriations was, under the head of "House of Representatives," to strike out from line 1657 to line 1662, as follows:

To enable the Clerk of the House to pay to the officers and employees of the House of Representatives borne on the annual roll on the 1st day of July, 1880, one month's extra pay at the compensation then paid them by law, which sum shall be immediately available.

The amendment was agreed to.

The Secretary resumed and continued the reading of the bill to line 1665.

Mr. BECK. On line 1665 the name ought to be "Diemar." The spelling ought to be corrected. It is "Demars" in the printed bill.

The PRESIDING OFFICER. That correction will be made.

The Secretary resumed and continued the reading of the bill. The next amendment of the Committee on Appropriations was to strike out from line 1724 to line 1728, as follows:

That the sum of \$1,500 be, and the same is hereby, appropriated, in addition to the sums heretofore appropriated in this bill, respectively, to Noble A. Hull, Horatio Bisbee, Ignatius Donnelly, and W. D. Washburn.

Mr. VOORHEES. I have no objection to the item of appropriation for Godlove S. Orth, in line 1705; but I should like to know why Mr. McCabe is not paid for his expenses in that election contest. If Mr. Orth ought to be paid his expenses in that contest, I think his contestant, Mr. McCabe, ought to be. Was the attention of the committee of the Senate called to that matter?

Mr. BECK. Not to that particular subject; but this was the dealing of the House with its own affairs; and as we do not admit the right of the House to deal with anything that we see fit to do relative to our own affairs, we did not assume that we had the right to do anything with regard to theirs; but the provision in lines 1724 to 1728, at the request of many members of the House, we propose to strike out, so as to give the House again jurisdiction of the question involved there, and if they find that they have made any mistake, they can correct it under that amendment, which the committee propose at their request.

Mr. CALL. I hope the amendment of the committee will not be adopted. The honorable Senator from Kentucky who has charge of this bill has just made a very frank admission to the Senate. He says that he thought and the committee thought that the Senate had no right to interfere with the expenses allowed by the House in the management of their own internal affairs, their own contested cases. He also said that the committee have listened to individual members of the House of Representatives, asking that this committee shall nullify and set aside the formal action of the House of Representatives upon a bill passed in due form of law. I apprehend that this is not only erroneous but it is a method of legislation to be condemned in the most positive terms.

Now, in regard to the merits of the proposition. This bill allows \$8,000 in the case of Governor Curtin, of Pennsylvania, and Seth H. Yocum; it allows in the case of Jesse J. Yeates and J. J. Martin \$2,000, and an additional \$250; it allows in another case \$4,000; and yet in this case but \$3,500 was allowed to the contestants, Noble A. Hull, Horatio Bisbee, Ignatius Donnelly, and W. D. Washburn.

The committee of the Senate, as the Senator from Kentucky says, upon the statement, the informal statement of individual members, who doubtless opposed this allowance in the House, undertook, without evidence as to the merits of the case, without any knowledge of the propriety of the action of the majority of the House of Representatives, to set aside the action of the House, not because it is vicious or improper legislation, but upon the statement of individual members that they objected to it, and desired this committee to do it in order that the House might again consider the subject.

I apprehend that there is no foundation for the action of this committee. The bill shows that amounts much larger have been allowed in various other cases, even so far back as the Thirty-eighth Congress, and there is not a particle of evidence before this committee, as has been stated by the Senator from Kentucky in charge of the bill, that this allowance was in any respect improper or excessive. I therefore hope, as a matter of precedent, as a matter of principle, and as a matter of justice in individual cases, that the action of the committee will not be concurred in.

Mr. BECK. Mr. President, the speech of the distinguished Senator from Florida [Mr. CALL] only illustrates the importance of a man knowing what he is going to talk about before he says it. This was stricken out at the express request of members of the House, and at the request of the Committee on Appropriations themselves, who desired, because they had not done justice to some other men, to add others to this list, for this is the clause giving them additional compensation, and they thought that two or three more were meritorious, but they could not insert them. It is not desired to cut down any of the men here provided for, but to allow the correction of mistakes in the case of others, so that if they see fit in their judgment they may add others. All the criticism made on the committee by the Senator from Florida is not only wholly unnecessary but it is against exactly what he wants to accomplish.

Mr. GARLAND. I should like to ask the Senator from Kentucky if the attention of the committee was called to the case of Mr. SLEMONS, who had a long contest in the House? It is not mentioned here.

Mr. BECK. It was not at the time, but it has been since, and this opening of the question leaves it open for the House to provide for him.

Mr. GARLAND. He cannot get anything under the clause now.
Mr. BECK. No, but he may be brought in, and so may the friend of the Senator from South Carolina [Mr. BUTLER] in the case which he made out, which was a good case.

Mr. BUTLER. Then I understand that in the deficiency bill the matter to which the Senator from Kentucky refers can be considered by the House.

Mr. BECK. It can be on this bill, and the sole object of the Senate committee was to give the House a chance at it. We moved the amendment to comply with the request of the Senator from Arkansas, the Senator from South Carolina, and others, and of gentlemen of the House of Representatives, who wish to have this matter further considered there to allow the insertion of other names.

Mr. BUTLER. I understand that, and so the action of the House can be had.

Mr. BECK. It can; and the striking out is for that purpose.

Mr. DAVIS, of West Virginia. In addition to what my colleague on the committee has said, let me say that the object is to give the House jurisdiction.

Mr. BUTLER. So I understand.

Mr. CALL. The honorable Senator from Kentucky may be right that a private arrangement between the Senators may control the action of the two Houses of Congress; but I do not agree to it. I am not advised what conference has been had between the honorable Senator and the members of this committee and the members of the other House. I did not know that there had been an arrangement that the will of the majority should be set aside and a new arrangement made, nor do I understand that it is either competent or right to conduct the business of the Senate and the House in that method. The intention was correct, but I still assert that, not having the advantage of that private information which seems to exist between the two committees, my action was entirely proper. I knew that this was a meritorious case, and I did not know that the necessary forms of law for the passage of a bill, which have been acted on by either the Senate or the House, were to be set aside by a private conference between members of the Committee on Appropriations of the House and the Senate in order that they might do that which they could properly do in other and better modes.

Mr. BECK. It is not for that purpose at all. There was no private action.

Mr. CALL. I withdraw the objection.

Mr. BECK. If you send this back to the House, the House itself, when the Senate has stricken out the clause, can agree to amend it. It is not a matter of private conference, but a public act publicly done. If the Senator from Florida does not understand it, it is his misfortune and not our fault.

Mr. CALL. I withdraw the objection.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations.

The amendment was agreed to.

The reading of the bill was resumed and concluded.

DEFICIENCY APPROPRIATION BILL.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed a bill (H. R. No. 7251) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1881, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes; in which it requested the concurrence of the Senate.

On motion of Mr. DAVIS, of West Virginia, the bill (H. R. No. 7251) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1881, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

Mr. DAVIS, of West Virginia. I hope the Secretary will notify the Printer to have this bill printed as early as possible.

AMENDMENTS TO BILLS.

Mr. BAYARD, Mr. BOOTH, Mr. COCKRELL, Mr. COKE, Mr. JONAS, Mr. LOGAN, Mr. PADDOCK, Mr. SAUNDERS, and Mr. VOORHEES submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 7251) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1881, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes; which were referred to the Committee on Appropriations, and ordered to be printed.

ERRORS IN AN ENROLLED BILL.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed a concurrent resolution authorizing the Joint Committee on Enrolled Bills to make certain changes in the enrollment of the bill (H. R. No. 7104) making appropriations for the construction, completion, repair, and preservation of certain works on rivers and harbors, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following concurrent resolution of the House of Representatives:

Resolved by the House of Representatives, (the Senate concurring.) That the Joint Committee on Enrolled Bills be, and the said committee is hereby, authorized to direct a change of enrollment of the bill (H. R. No. 7104) making appropriations for the construction, completion, repair, and preservation of certain works on rivers and harbors, and for other purposes, so that the item appropriating \$10,000 for the Little Red River, in Arkansas, shall be stricken out, and the word "the" in the item in relation to the Rock Island and Pacific Railroad Company be substituted for the word "those;" the first of said changes being necessary to correct a clerical error in the conference report on said bill, and the second correction being necessary to correct a clerical error in a Senate amendment thereto.

Mr. RANSOM. I ask the concurrence of the Senate in the resolution.

The resolution was concurred in.

SUNDRY CIVIL BILL.

The PRESIDING OFFICER. The bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes, is before the Senate as in Committee of the Whole.

Mr. BAYARD. I am instructed by the Committee on Finance to offer the following as an additional section to the bill—

The PRESIDING OFFICER. Does the Senator from Kentucky consent to the amendment being acted on now?

Mr. BAYARD. The amendment has been submitted to the Senator in charge of the bill.

Mr. BECK. This may as well be acted on now.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. It is proposed to insert as an additional section:

SEC. —. That the Secretary of the Treasury may at any time apply the surplus money in the Treasury not otherwise appropriated, or so much thereof as he may consider proper, to the purchase or redemption of United States bonds: *Provided*, That the bonds so purchased or redeemed shall constitute no part of the sinking fund, but shall be canceled.

Mr. LOGAN. I desire to inquire of the Senator if that applies to all the different character of bonds, the fours, four-and-a-halves, fives, and sixes?

Mr. BAYARD. It will apply to any bonds which it is optional with the Government to pay.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Delaware, [Mr. BAYARD.]

The amendment was agreed to.

Mr. BAYARD. By law now the Secretary of the Treasury is authorized to buy the amount required by the sinking fund. This will authorize him to buy 5 and 6 per cent. bonds which are redeemable at the option of the Government.

Mr. McDONALD. Ought it not be limited to the purchasing of those bonds?

Mr. BAYARD. Without this law he cannot purchase beyond the requirements of the sinking fund.

Mr. PADDOCK. I should like to inquire if the Senate is through considering the committee amendments?

The PRESIDING OFFICER. The Committee on Appropriations are not through. The next question will be on the reserved amendment on page 23, from line 543 to line 547, the amendment which was reserved at the instance of the Senator from New York, [Mr. CONKLING.] The question is, Will the Senate agree to that amendment?

Mr. CONKLING. What is that amendment?

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. After line 542 the Committee on Appropriations propose to insert:

To enable the Secretary of the Treasury to reimburse the President for amount paid for expenses of the commission appointed to go to Louisiana in April, 1877, \$3,950.73.

Mr. BECK. On the 9th of February, 1881, Hon. John Sherman, Secretary of the Treasury, sent to the Senate the following letter:

TREASURY DEPARTMENT, February 9, 1881.

SIR: I have to inclose herewith, for the consideration of your committee, copy of a letter and accompanying statement addressed on the 8th instant to the chairman of the House Committee on Appropriations in relation to an appropriation to reimburse the President for the amount paid by him in defraying the expenses of the commission appointed to go to Louisiana.

Very respectfully,

JOHN SHERMAN,
Secretary.

HON. H. G. DAVIS,
Chairman Committee on Appropriations, United States Senate.

The next letter is as follows:

TREASURY DEPARTMENT, February 8, 1881.

SIR: I have the honor to call the attention of your committee to an estimate submitted by this Department in December, 1878, (see Book of Estimates, page 158,) for \$6,000 for expenses and compensation of the commission appointed by the President to go to Louisiana, and in connection therewith to state that since that time the President has paid the amount advanced by the First National Bank of New York City for this purpose.

I have therefore to recommend that an appropriation be made to reimburse the President, and inclose for the information of your committee a statement of expenses of this commission, amounting to \$3,950.73, on which has accrued to January 1, 1881, \$885.83 as interest.

Very respectfully

JOHN SHERMAN,
Secretary.

HON. J. D. C. ATKINS,
Chairman Committee on Appropriations, House of Representatives.

The itemized statement I do not suppose it is necessary to read, but

it foots up actual expenses paid by the President \$3,950.73, interest \$885.83, total \$4,836.56.

Mr. McPHERSON. I ask for the items.

Mr. BECK. I suppose I may as well give them.

Statement of expense incurred by commissioners sent to Louisiana by the President in April, 1877.

April 2-21:	
Fare entire party from Washington to New Orleans and return.....	\$745 95
Pulman car (extra).....	372 00
Meals, refreshments, &c., (en route).....	246 30
Telegrams (en route).....	16 04
Telegrams from New Orleans.....	152 35
Carriages and car fare, New Orleans.....	21 60
April 2-24:	
Carriages in Washington.....	3 00
April 2-21:	
Porterage (en route).....	13 00
Porterage and special messenger, New Orleans.....	19 35
Newspapers in New Orleans.....	29 85
Newspapers in New Orleans.....	4 65
Postage.....	9 62
Doctor's fee, servant.....	1 00
Stationery.....	21 45
April 2-3:	
General Hawley, hotel expenses, Washington.....	28 55
General Harlan, hotel expenses, Washington.....	77 15
Judge Lawrence, hotel expenses, Washington.....	20 75
April 2-25:	
Governor Brown, traveling expenses to and from his home.....	60 00
General Hawley, traveling expenses and other expenses on account of commission.....	27 25
April 2:	
General Harlan, traveling expenses and other expenses on account of commission.....	70 00
Judge Lawrence, traveling expenses and other expenses on account of commission.....	66 50
Hon. Wayne McVeagh, expenses traveling from Philadelphia to Washington, hotel bill, carriage hire, telegrams, stationery, and expenses of returning home.....	59 82
April 21:	
Expenses, entire party, Saint Charles Hotel, New Orleans, Louisiana.....	1,908 25
April 25:	
Expenses of commissioners, Arlington Hotel, Washington.....	141 30
	4,115 73
Repayment by Mr. McVeagh.....	165 00
Actual expenses.....	3,950 73
Interest on above to January 1, 1881.....	885 83
Amount required to be appropriated.....	4,836 56

Mr. McPHERSON. And who were the commissioners?

Mr. BECK. The Senator knows the names of them as well as I do; they are all known. We recommend the reimbursement of the actual amount paid, \$3,950.73, allowing, of course, no interest. The money was paid by the President. No matter what question there may have been in regard to the matter originally, it seems to me if the Executive thought the Louisiana question should be looked at in this way, and sent these men, we ought to foot the bill.

Mr. MAXEY. I ask the Senator from Kentucky if he knows of any law that justifies this appropriation. I believe as a general rule appropriations should be in pursuance of some law. Is there any law for this?

Mr. BECK. I know of no law for it. I know that we have sent cargoes of ships all over the world to inquire about things. Congress is a great court of equity to do justice where it is proper. I endeavored to defeat Mr. Hayes as hard as any man in the Senate, to the extent of my ability. Commissioners were appointed, and a Congress of which I was not a member determined that he was legally elected President, and he was sworn in, and we have all submitted. When I could not defeat him, I do not propose to take vengeance on him now by taking this little sum of money away from him, nor to stick pins in him when I cannot keep him out of the White House.

Mr. VOORHEES. I wish to ask the Senator from Kentucky was this commission sent to ascertain what was the legal Legislature of Louisiana? There were so many commissions and committees sent to Louisiana that it is hard to keep track of them.

Mr. BECK. There is not a man in the Senate who does not know that whole history as well as I do. I am not going into any political argument about it. I merely say that these men were sent; the President paid the money which covered their expenses. I think he ought to be repaid. I shall vote to repay him. It is not my way of making a political contest to refuse to reimburse him for doing what as President of the United States he thought was a right thing for him to do.

Mr. VOORHEES. I thank the Senator from Kentucky for stating the facts. He says every other Senator knows as well about this as he does. I am sure I do not. How can I? There have been many things in Louisiana and more money has been spent by the Federal Government on that tract of land than any other spot on the face of the globe. In the many visitings, winings, and dinings of committees and commissions, I wanted to inquire of the gentleman having this in charge whereabouts this commission came in. I was not seeking to embarrass the Senator from Kentucky at all, nor have I any unkind feelings toward anybody, not even the President; but I want to know just what we were to pay this money for.

Mr. BECK. I have only to say that I will not be a party to bringing on any political discussion. - The 4th of March comes on Friday.

This Congress expires at twelve o'clock on that day. This bill must reach the House to-day or it is lost, and I would rather have the amendment voted out than to do anything that would prolong discussion now.

Mr. VOORHEES. I am done.

Mr. McPHERSON. Will the honorable Senator from Kentucky tell me whether application had ever been made by the Secretary of the Treasury or the so-called President of the United States for the reimbursement of this fund previous to this time?

Mr. BECK. Yes, it has been discussed before; it has been in the Book of Estimates before; and has been refused before.

Mr. McPHERSON. It is I see for money expended by a commission in 1877, I suppose for the purpose of making good a title somewhat in doubt. I wish to ask the Senator another question. Being a member of the Committee on Appropriations I know he is conversant with the fact that application has been made for the payment of this money heretofore and the Committee on Appropriations have rejected the claim, if not it has been uniformly rejected by the Senate.

Mr. CONKLING. Both.

Mr. McPHERSON. Both by the committee and the Senate, I hear from two sources.

Mr. CONKLING. And the House.

Mr. McPHERSON. Then I should like to know what new testimony there is bearing upon this question that has convinced the members of the committee that it is to-day a just and proper claim. The honorable Senator declines to give me the information.

Mr. BECK. I do not decline to give any information. It was brought up before, when perhaps there was more political feeling and more temper than there exists at present; I do not know whether it was so or not. If the cases that are rejected by one Congress were not proper to be presented to another, there would be a great many claims that are now pending and being pressed every session, and by the Senator from New Jersey perhaps, that would be turned out very unceremoniously. It is for the Senate to determine. If it is not a good claim, vote it down, and let it go out of the bill. If it is, vote it in. The facts are known absolutely well to all of us.

Mr. McPHERSON. Mr. President, I for one have been in the habit of following the honorable committee in this Chamber, believing their judgment to be best in the matters which they have investigated and reported to the Senate with their recommendations. The recommendation is that we should vote an appropriation of three thousand nine hundred and odd dollars to give to Mr. Hayes for the purpose, if I understand the Senator, of defending his title to the Presidency, for the purpose of making it appear plain that Mr. Hayes was entitled to his seat, about which many of us have always been in doubt. I for one have never had any doubt upon that question.

Mr. President, I am not disposed to follow the committee in this matter. I am not disposed to take \$3,900 out of the United States Treasury for the purpose of assisting Mr. Hayes to hold a position which, in my opinion, he never was entitled to hold.

Mr. BAILEY. I understand the Senator from New Jersey to assert that this commission was sent to New Orleans in order to secure to Mr. Hayes the title to the Presidency. Do I understand the Senator aright?

Mr. McPHERSON. I understand that they were sent there for the purpose of securing proof as to what had been done previous to that time in order to sustain his position, validate it, so to speak, by supporting proofs.

Mr. BAILEY. That would be new to the country; it would certainly be new to me. I understand that the title of Mr. Hayes to the Presidency was declared by a commission appointed by the Senate and the House of Representatives of the United States, and that his title to the office rested upon the judgment and decision of that commission; that he was inaugurated because the commission by a majority declared that he had been elected in the November preceding. I do not understand that the commission which was sent to New Orleans in the spring of 1877, more than thirty days after Mr. Hayes had been inaugurated and had taken the oath of office, and when he was quietly and securely seated in the presidential chair, had anything whatever to do with securing to him the title to that place.

Mr. McPHERSON. Why were they sent?

Mr. BAILEY. The gentlemen composing that commission were sent as I understand for the purpose of inquiring into the actual condition of affairs in the State of Louisiana. There were two legislatures then actually sitting in the city of New Orleans, the capital city of the State. There were two persons claiming to be governor of the State. Each had appealed to the President of the United States under the act of Congress for assistance in asserting his authority. Each of these governors declared the other to be acting in opposition to the lawful authority of the State. Each of these legislatures asserted for itself legitimate authority and denied it to the other. For the purpose of informing the Chief Executive, who had been appealed to by both parties, the President sent some of the most distinguished men in the country to Louisiana, for the purpose of ascertaining the actual condition of affairs and requesting them to make a report to him of the facts.

The commission went to Louisiana and by its policy, and approving the measures it adopted, the President succeeded in quieting the State and in adjusting and settling the differences that existed there. The expenses of that commission were paid by the President out of

his own pocket. It does seem to me that it is due from the Congress of the United States that these expenses should be refunded. Did he have any greater personal interest in that question than the Senator from New Jersey? In what did the interest consist? He was in public life; the Senator from New Jersey then was in public life. The President, however, as the chief executive officer, felt himself constrained to inquire into the actual condition of affairs. Not trusting to newspaper reports or to the reports made by partisans, he requested gentlemen of the greatest distinction, in whom the whole country had confidence, to inquire into the actual condition of affairs and to make a report. I understand that they did the work assigned to them, and did it well; they succeeded in quieting the State of Louisiana, and quiet has reigned there from that day to this.

Mr. McPHERSON. Will the honorable Senator name me the gentlemen who were sent there as this commission?

Mr. BAILEY. John C. Brown, of my own State, was one; Wayne MacVeagh, of the State of Pennsylvania, who it is said will in a few days be a Cabinet officer of the President-elect, was another. I do not remember all their names. I remember, though, that the country had confidence in these men.

Mr. McPHERSON. A commission, if I remember aright, if distinguished for anything, distinguished for their partisanship, was the commission that President Hayes instructed to learn the true condition of affairs in the South.

Mr. BAILEY. MacVeagh, as I understand, is a republican, and certainly is expected to be a Cabinet officer in the incoming administration. John C. Brown, of my own State, is a democrat. Mr. Justice Harlan, I understand always to have been a republican, and he has since been nominated by the President to be an associate justice of the Supreme Court of the United States, and his nomination was confirmed by the Senate.

Mr. President, I believe that the action of the President in sending this commission was a patriotic action. I believe that he was controlled by a desire to bring peace and repose to the country. His action certainly contributed in a great degree to settling the differences that for so long a time had kept Louisiana in a state of ferment, and gave great satisfaction to the nation.

Mr. Hayes's administration has been sometimes sneered at, sometimes scoffed at, but before I leave the Senate I wish to put it upon the record that in my opinion we have had for forty years past no administration that has been so beneficent to the country as the one that is about to expire. You may call it a weak administration if you will; call it by what name you please, but at last it has brought good and only good to the people of the United States. Mr. Hayes has done much that I do not approve. Many of his recommendations to Congress, in my opinion, have been unwise and in conflict with the principles of the Constitution; still I believe he has been animated by a sincere desire to bring peace and repose to the country, and his efforts have not been without success. Contrast our condition to-day with our condition four years ago. How great the change! Although we are indebted to a kind Providence that has rewarded our labors with bounteous crops, and thereby wrought a revolution in foreign as well as internal commerce, yet at last we could not have reaped the harvest of these great opportunities but for the wise, considerate, moderate, and patriotic efforts of our Chief Magistrate to bring peace and quiet to the country.

I trust that the amendment reported by the committee may be adopted.

Mr. JONAS. Mr. President, the honorable Senator from Tennessee [Mr. BAILEY] in giving the history of this commission, this beneficent commission as he considers it, I think made some mistakes in stating its history. I understood him to say that the President sent this commission to Louisiana in response to requests from both factions claiming to be the government of the State of Louisiana, asking him for his assistance, and asking him to maintain and support them as the true government of the State.

I desire to say that so far as the government was concerned which has been recognized as the government of Louisiana, and which has been ever since so recognized by the people of that State, and of the Union, that they never made any appeal to Mr. Hayes for assistance or for any other recognition than that which he was bound to give as the President of the United States to the proper State government existing in Louisiana. They did not ask for troops; they did not ask him to put down the opposing government, if one existed, in the State of Louisiana. Mr. Hayes came into office with a doubtful title. He was in a condition to make war upon no one; he was in a condition to have no extra trouble or controversy upon his hands, and for his own purposes which he himself thought best he sent these gentlemen to Louisiana. I was there at the time. I was a member of the Legislature, and I met this commission. I saw all their workings and all their movements, and I am unable to say, as the Senator from Tennessee has said, what they came there for, or what good their coming effected. I feel great respect for all the gentlemen composing that commission. I think one of them, our honored and esteemed friend, Governor BROWN, felt himself very much out of place, and that he was at some loss to know what to do, or what he had been commissioned to do. It was a roving commission sent by the President to ascertain what he himself should do, to support and maintain himself and to promote his own interests. It was a commission sent to Louisiana to ascertain whether the government which existed in a shell (the Packard gov-

ernment, which had no power or influence whatever, which was shut up and inclosed in one single building, the State-house) had power enough to sustain itself, and whether if recognized by the President it could be maintained as the government of Louisiana.

When that commission arrived in New Orleans they found this pretended government on its last legs, if it had ever existed; that its legislature had gone to pieces; that its governor had abandoned it and gone to Washington; that it was recognized in no part of the State of Louisiana and had no power or authority whatsoever. They found the control of the true State government of Louisiana was fully established, respected by the people and its authority obeyed throughout the length and breadth of the State. They found the governor installed in office; they found the Legislature engaged in passing laws which were obeyed by the people and enforced by the courts. They found the government of Louisiana firmly established in every department, the supreme court and the inferior courts in session, and rendering decisions, passing upon the rights of citizens and of property, and upon the laws which were being enacted, and all receiving the almost unanimous support of the people.

I presume the commissioners reported to Mr. Hayes that there was but one government in Louisiana, and that government could not be subverted except by the use of the Federal Army.

I admit that no government could have existed in Louisiana at war with the National Government, or which had desired to be so; but the experience of a preceding administration in subverting a government erected and installed by the people of Louisiana had not been sufficiently approved by the people of the United States as to authorize Mr. Hayes, with his doubtful title, to repeat the experiment. Upon receiving the report of his commissioners that there was but one actual government in Louisiana he recognized that government, as he was compelled by circumstances to do.

I think we have paid enough of the debts of Mr. Hayes. He has paid his debt to Mr. Packard by sending him abroad and appointing him consul at Liverpool. He has paid his debt to the members of the returning board which counted him in and made him President by bestowing upon them all lucrative offices. I wonder that he had not asked, in addition to the payment of the sum now under consideration, for an additional appropriation to repay to him the thousand dollars which he had been compelled to advance to Mr. Cazenave, of returning-board notoriety. I think we have paid enough of the debts of Mr. Hayes. He has been in the enjoyment of a salary which many of us believed never rightfully belonged to him.

These commissioners were his agents. They were not asked for by the people of Louisiana; they were authorized by no act of Congress; they did no good; they affected no public sentiment. The result was achieved by the people of Louisiana, and not by the efforts of Mr. Hayes and his commission. I think Mr. Hayes should pay his own agents, and that Congress has nothing to do with refunding him the money which he may have expended.

Mr. HEREFORD. I should like to ask the Senator from Kentucky at whose instance that item was inserted in the bill? Who appeared before the committee, by letter or otherwise, and furnished the committee with the items that aggregate the amount that is in the amendment? I know that the Senator from Kentucky is very rigid in his application of the rules on this subject, and that he would require proofs that this money had been paid by the President of the United States. I should like to know who appeared before the committee, by letter or otherwise, and asked for this appropriation. Who furnished the proof that this money had ever been paid by Mr. Hayes? And I wish to know if the Senator is satisfied of the fact that Mr. Hayes has ever paid out one dollar of it.

Mr. BECK. The Secretary of the Treasury, in the communication which I read, and in person, appeared before the committee. The itemized account I have also read in the last ten minutes. I have not a doubt that the President paid the money. It has been estimated for in the Books of Estimates, and it has been before the committees heretofore. The question simply is, will Congress as a court of equity, or call it what you like, give it? All I ask is a vote. I do not care whether you give it or not. The committee thought that it was a proper thing to submit to the consideration of the Senate. If the Senate says, "do not pay it," strike out the clause and refuse to concur with the committee; but do something. I expressed my individual opinion a few minutes ago that as the President had paid it and as in April, 1877, a month after he was inaugurated he had sent men down there to ascertain the condition of affairs, and, as I thought, about the only good that the democratic party (if we are going into politics) ever got out of any investigation, was the declaration of the fact we always asserted that the men we claimed to be duly elected were in fact the true Legislature and the true governor, and that the men who had been holding high offices, and some of them holding them now, were holding their places under no sort of authority, I am willing to pay the \$4,000 to develop the truth of that fact, because the President paid it; but if the Senate think otherwise, let it go.

Mr. CONKLING. Mr. President, this amendment addresses itself to me as an appeal to sympathy. The First National Bank is located in the State of New York, and I cannot but feel the interest, not to say the tenderness, which naturally exists between a representative and his constituents; and when I reflect upon the hard and frugal road that bank has been compelled to tread, and then contemplate the

idea of its losing such a sum of money, the possibility is one I cannot calmly contemplate. It requires more fortitude to inflict such an injury than I possess.

If I turn to the idea of allowing the President of the United States to take out of his meager compensation a sum like this to defray the expenses of five tourists, called in the amendment commissioners, it might make an appeal which I must be hard-hearted to resist.

When we think of these five gentlemen, all of whose names appear in this sometimes sumptuous bill of particulars, which fails to amount to the \$6,000 originally estimated, but which still does amount to a considerable sum—when we think of their defraying such expenses, unrewarded, and unrecognized as they are, we must be stingy indeed, particularly when voting the money of other people, to be willing to consent to such cruelty.

The distinguished citizen of Tennessee and one other, are not like the rest of these gentlemen in the rewards which have waited upon them. They are also not like the many other persons of whom we have heard so much in Louisiana, useful, handy and active as they were in services rendered about this complicated matter. They, the legion to whom I now refer, as I have heard the honorable Senator from Kentucky sometimes relate to the Senate, are enjoying a grand total of the annual salaries paid to them in official places held I think I have heard the honorable Senator say as rewards for the peculiar services they rendered.

As to all the citizens upon whom these expenses might fall, the amendment comes as an urgent appeal to sympathy, and yet I shall not be able to discuss it without vexing the ear of the honorable Senator from Kentucky, who does not wish to listen to a political discussion. I do not wish to engage in it or to listen to it, and yet if the amendment is to be adhered to I shall deem it my duty to enter into a political discussion so far as such discussion is needed to solve the question of the propriety of making an appropriation, worse than unlawful, as I believe it is.

The House of Representatives, in this bill and in other bills, has decided not to make it. The House of Representatives has repeatedly refused to make it. With the facts all before it the House has repeatedly refused to pay the money. The committee of this body has chosen by importing an amendment into the bill to invite the Senate to consider it, and the Senator from Kentucky says that Friday is the beginning of a new administration and the day on which this session will cease. I know all this, and I want this bill in every defensible part of it to become a law.

I submit, however, to the honorable Senator from Kentucky that if he would save time he ought not to come here with a provision that has been repeatedly discussed in the Senate, which has never succeeded in winning even an informal vote in its favor, but has over and over again been reported against, and over and over again voted down on the yeas and nays in the Senate, and which does involve political discussion, which does involve the question whether gentlemen requested to go, as tourists, not as commissioners, without law, and as I believe against law, and requested to do an errand not tolerated either by the Constitution or by any law which obeys it, whether they are to be paid under the guise of expenses to them, or upon the allegation—I choose that word because I wish not to be disrespectful—that the President has paid this money out of his own pocket, if I caught aright the expression of a Senator.

I say the Senator from Kentucky ought not to bring such a question here, if he does not wish it to be discussed and discussed at length. I ask that Senator to treat this amendment as he has treated other amendments, and spare himself and the Senate the infliction of the debate which is certain to occur if this amendment is persisted in. It involves not the \$3,000 or the \$4,000, not the item of this bill of particulars insignificant as they are to all of these gentlemen, whether now holding official stations or whether, as the Senator remarked as to one of them, about to cross the threshold of distinguished official place; it involves a principle much beyond that and much more considerable than this sum of money.

I hope the honorable Senator from Kentucky will allow this cup to pass from us, and be content with the fact that this very body as now constituted, not those who went before us but consisting of those now assembled, has again and again passed upon it. If the Senator will accept the fact, I for one will relieve him; but if he will not, and wants to litigate this matter afresh then I submit he ought not to complain of any debate.

Mr. BECK. Will the Senator from New York allow me to interrupt him? Of course, I desire to close the debate. I care nothing about this item one way or the other. I hope the Senator will move to lay it on the table. I shall vote against laying it on the table because my committee has instructed me to report the amendment. If it is laid on the table, however, that ends it.

Mr. CONKLING. But my honorable friend will observe that a motion to lay on the table not only cuts off debate but brings the Senate to vote upon the merits of this amendment as those merits have been stated by those who favor it.

Mr. BECK. If the amendment is laid upon the table that ends it.

Mr. CONKLING. If laid upon the table that is the end of it, and if the Senator can assure me that such a motion will prevail I will gladly forego any discussion.

Mr. BECK. No; if it is not laid on the table it will be still open to discussion.

Mr. CONKLING. I am aware of that, but still I would not like to take the sense of the Senate after what has been said, without the Senate having brought back to its recollection and attention at least some of the circumstances which surrounded this transaction, without having read the papers which constituted the open, public, and ostensible object of this embassy.

All that will take sometime, and time should be given to it,—as little time as possible; but I do not wish to go into it unless the Senator from Kentucky feels called upon to insist upon his amendment. If he will let us take the bill as the House sent it to us and rest upon the fact that over and over again this question has been passed upon both in committee and in the Senate, I shall be glad to leave it there; but if he will not, then I do not see but all those who feel as I feel that this claim ought to be not only defeated but discussed sufficiently to display its merits, must proceed in that course.

Several Senators addressed the Chair.

Mr. BECK. If I have the floor, I will move to lay the amendment on the table.

Mr. THURMAN. Not yet, I hope.

The PRESIDING OFFICER. The Senator from Kentucky moves to lay the amendment on the table.

Mr. THURMAN. I ask the Senator to withdraw the motion for a moment.

Mr. BECK. Will the Senator renew it if I do?

Mr. THURMAN. Oh, yes; and vote for it, too.

Mr. BECK. I want a vote; that is all. I will vote against my own motion, but I insist upon the motion.

The PRESIDING OFFICER. The Senator from Kentucky moves to lay the amendment on the table.

Mr. THURMAN. Will the Senator not withdraw the motion? I will renew it.

Mr. BECK. Very well.

The PRESIDING OFFICER. Does the Senator withdraw the motion?

Mr. BECK. If the Senator will renew it.

Mr. THURMAN. I will renew it, because I want to adjourn this fight over to the next Congress. I want my friend from New York to meet my successor, a member of Mr. Hayes's Cabinet, under which what my friend from New York thinks was a great crime was perpetrated. I want him to meet my successor face to face, and discuss the propriety of this thing with him, not with me. I want him to meet the new Attorney-General, who was one of these commissioners, and who was said to have had most persuasive eloquence in getting out the Packard legislature, who, by the way, were cooped up in a house and had not a particle of jurisdiction. I want him to come to this contest with some foes worthy of his steel. He has nobody here now to battle with him. The Senator from Kentucky has shown the white feather and run at the first fire. I do not feel called upon to defend this Administration or its ways, or the way that it got into power. I do not do that, but my successor is able to do it.

I say, therefore, to the Senator from New York, as the *preux chevalier*, as a man ready to put his lance in rest against any foe that sounds his trumpet and calls him to the encounter, let this thing go over until my successor is in his seat, and until the new Attorney-General will be up in the Department of Justice. That is the way to do this thing.

Do not ask to lay this amendment on the table as a final and decisive vote to determine the question on its merits. Oh, no; wait until the men who inaugurated it, who executed it, and who are able to defend it, are within the lists.

Now, I move to lay the amendment on the table, for I want to have it taken up then.

The PRESIDING OFFICER. The question is on the motion of the Senator from Ohio to lay the amendment on the table.

The motion was agreed to.

Mr. VOORHEES. I gave notice that at the proper time I should offer an amendment.

The PRESIDING OFFICER. The Chair will inform the Senator that there are two amendments of the Committee on Appropriations yet reserved. The Secretary will report the next amendment reserved.

CREDENTIALS.

Mr. CAMERON, of Pennsylvania, presented the credentials of John I. Mitchell, chosen by the Legislature of Pennsylvania a Senator from that State for the term beginning March 4, 1881; which were read, and ordered to be filed.

REFUNDING OF THE NATIONAL DEBT.

Mr. HOAR. I present for reference to the Committee on Appropriations an amendment to the deficiency appropriation bill, and I ask that it be read.

The PRESIDING OFFICER. The proposed amendment will be read.

The CHIEF CLERK. It is proposed to add as an additional section the following:

SEC. — That all existing provisions of law authorizing the refunding of the national debt shall apply to any bonds of the United States bearing a higher rate of interest than 4½ per cent. per annum which may hereafter become redeemable: *Provided*, That in lieu of the bonds authorized to be issued by the act of July 14, 1870, entitled "An act to authorize the refunding of the national debt," and the acts amendatory thereto, and the certificates authorized by the act of February 26, 1879, entitled "An act to authorize the issue of certificates of deposit in aid of the

refunding of the public debt," the Secretary of the Treasury is hereby authorized to issue bonds to an amount not exceeding \$400,000,000, of denominations of \$50, or some multiple of that sum, which shall bear interest at the rate of 3 per cent. per annum, payable semi-annually, redeemable at the pleasure of the United States, after five years, and payable twenty years from the date of issue; and also Treasury notes to an amount not exceeding \$300,000,000, in denominations of \$10, or some multiple of that sum not exceeding \$1,000, either registered or coupon, bearing interest at a rate not exceeding 3 per cent. per annum, payable semi-annually, redeemable at the pleasure of the United States, after one year, and payable in ten years from the date of issue; and no Treasury note of a less denomination than \$100 shall be registered. The bonds and Treasury notes shall be, in all other respects, of like character and subject to the same provisions as the bonds authorized to be issued by the act of July 14, 1870, entitled "An act to authorize the refunding of the national debt," and acts amendatory thereto: *Provided*, That nothing in this act shall be so construed as to authorize an increase of the public debt.

Mr. WHYTE. That ought to go to the Committee on Finance, and not to the Committee on Appropriations.

The PRESIDING OFFICER. The question is on the reference of the amendment to the Committee on Appropriations.

Mr. HOAR. I should be glad to have the amendment go to the Committee on Finance, if the Senate will consent that the rule requiring it then to go to the Committee on Appropriations one day before it is offered in the Senate will not be insisted on. The amendment simply provides for refunding at 3 per cent., leaving out all the other details, leaving out the fifth section; and I desire to have it in the power of the Senate to pass such an amendment if they see fit. If the Senator from Maryland and the Senate will consent, I will ask unanimous consent that the amendment may be referred to the Committee on Finance, and that they may, if they see fit, move it as an amendment to the deficiency bill, notwithstanding the rule requiring the Committee on Appropriations to consider it twenty-four hours.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts? If not, the amendment will be referred to the Committee on Finance with that understanding.

Mr. ALLISON. Is it understood that there is no objection to that course?

The PRESIDING OFFICER. It is. The objection under Rule 27 will be waived.

Mr. ALLISON. Under any rule. That is, this amendment, if agreed to by the Committee on Finance, may be offered to the deficiency bill?

Mr. HOAR. Notwithstanding the rule.

The PRESIDING OFFICER. Notwithstanding the rule.

Mr. WALLACE. Do I understand that the amendment goes to the Committee on Appropriations without objection on the part of the Committee on Finance?

Mr. WHYTE. No, it is to go to the Committee on Finance.

Mr. HOAR. This is an amendment to the deficiency bill, which I suppose will be here to-morrow.

Mr. WALLACE. It is here now.

Mr. ALLISON. It has been referred.

Mr. HOAR. In order that it should come within the rule, only that part of the rule which has been mentioned without going into any other part of the rule, it ought to be moved by a standing or a select committee and then go to the Committee on Appropriations twenty-four hours before it is offered; but it being suggested on behalf of the Committee on Appropriations that it should go to the Committee on Finance, unanimous consent was asked and obtained that it might go to the Committee on Finance, and that so much of the rule as prevented its being offered by them, if they chose to offer it to the Senate, should be waived.

Mr. WALLACE. The reason of my question was, that the subcommittee on the deficiency bill are about to meet, and if there is any action to be taken by the Committee on Appropriations it should be attended to at once.

Mr. HOAR. The Committee on Finance will be able to deal with it.

Mr. DAVIS, of West Virginia. The Senator from Massachusetts said that by consent of the Committee on Appropriations this arrangement was made. I know nothing of it, and I ought to have known if it was done.

Mr. HOAR. My friend is mistaken. The Chair asked unanimous consent of the Senate, and that unanimous consent was given.

Mr. DAVIS, of West Virginia. Unanimous consent to what?

Mr. HOAR. That this amendment, the character of which I have explained, might be referred to the Committee on Finance, and that it should be in order for them to move it as an amendment hereafter, if they see fit.

Mr. DAVIS, of West Virginia. The Senate cannot do that.

Mr. HOAR. The Senator does not care to have the amendment go to the Committee on Appropriations?

Mr. DAVIS, of West Virginia. I do not know that I do; but then I do not want an arrangement made for the Committee on Appropriations.

The PRESIDING OFFICER. Does the Senator from West Virginia object?

Mr. DAVIS, of West Virginia. I reserve all points of order. I shall not consent to an arrangement by which the amendment shall be beyond the control of the Committee on Appropriations.

Mr. HOAR. I must then stand upon my right, it being a plain desire of the whole Senate, as it seemed to me. The Chair asked if unanimous consent was given to the request, and declared that it had been given.

The PRESIDING OFFICER. That is the state of the case.

Mr. HOAR. It is too late now to object.

Mr. DAVIS, of West Virginia. We will see when it comes up.

Mr. BAYARD. What disposition has been made of the proposed amendment?

The PRESIDING OFFICER. It has been referred to the Committee on Finance.

Mr. BAYARD. I merely say now that I have had no intimation whatever of the intention to offer such an amendment, nor so far as I know has any other member of the Finance Committee had any such intimation, nor can I say what the action of that committee will be on it.

SUNDRY CIVIL BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes.

The PRESIDING OFFICER. The Secretary will report the next amendment of the Committee on Appropriations to the pending bill, which was reserved.

The SECRETARY. After the word "dollars," in line 831, the committee report to insert:

For the purchase of the private papers of the late confederate Generals Braxton Bragg and Leonidas Polk relating to the late war of the rebellion, \$20,000.

Mr. HOAR. I understand that the amendment which I offered is agreed to by the committee.

The PRESIDING OFFICER. The amendment of the Senator from Massachusetts to the amendment will be reported.

The SECRETARY. It is proposed to add at the end of the amendment the following proviso:

Provided, That the President of the United States shall be satisfied that all such papers now in existence are delivered over to the United States, and that the same are of historic importance and value equal to the sum paid.

The PRESIDING OFFICER. If there be no objection, the amendment to the amendment will be considered as agreed to.

Mr. LOGAN. Before the amendment is adopted I desire to make an inquiry.

Mr. HOAR. My amendment, I understand, has been adopted.

The PRESIDING OFFICER. It has been. The question is on agreeing to the amendment as amended.

Mr. LOGAN. I desire to inquire of the chairman of the Committee on Appropriations what is the character of these papers that are to be purchased by the Government?

Mr. BECK. There is a report, Executive Document No. 6, third session Forty-sixth Congress, "A letter from the Secretary of War, transmitting, in compliance with law, certain information relative to the negotiations with the legal representatives of the late confederate Generals Bragg and Polk for the purchase of certain papers relating to the late war," in which there is a list of the papers, covering, perhaps, from pages 12 to 53, an account of what each paper is. At the last session of Congress in the sundry civil bill we made this provision:

The Secretary of War is authorized to negotiate with the legal representatives of the late confederate Generals Bragg and Polk for the purchase of their private papers relating to the late war, and said Secretary shall report thereon at the next session of Congress.

I understand this report is made in compliance with that provision. The papers belonging to General Polk, I understand, are now being printed, while the papers belonging to General Bragg are not yet published, but the information in regard to them is now in the hands of the Government. It seemed to us, after hearing all the facts, that the arrangement should be entered into.

Mr. LOGAN. I do not wish to interpose objections to things that are of no great importance, but I cannot understand, for the life of me, what private papers these generals could have that could be of any benefit to the Government of the United States. This speaks of letters.

Mr. BECK. Will the Senator allow me to say that after the question is fairly put by the Senator from Illinois I will ask the Senator from Texas, [Mr. MAXEY,] who has had the matter under consideration, to be kind enough to give us the information laid before his committee, for the amendment came from the Military Committee.

Mr. LOGAN. This report is signed by "Marcus J. Wright, agent of the War Department for the collection of confederate records;" and here is a statement of the papers that I suppose have been found in the hands of the heirs of these generals, consisting of private letters written to those generals by other persons connected with the confederate service. The letters may be of service. I do not say they will not be, but I should like to know from some one something of the character of service they would be to the Government of the United States. I cannot understand for the life of me.

I remember very well, so far as General Polk is concerned, who was doubtless a very brave man on the confederate side, that he was killed at Kennesaw Mountain some time prior to the termination of the war; I remember very well the day when we received the news of his death. He could have had no private papers after that time, and no papers, records, or anything of the kind that could be of any interest to the country with regard to the war up to that time. He had nothing but private letters written to him, and a history and a boundary of his jurisdiction as a commanding general of the confederate army. I will say to the Senator in charge of the bill that it is not necessary to refer to his private papers to find out his jurisdic-

tion as a commanding officer. That can be found in the records that are here. The orders from the war department of the confederate army, the orders of his commanding general, General Lee, the orders of the so-called president of the southern confederacy would determine that question. It certainly is not necessary to have these papers for that; and what light the private letters of this man could throw upon the affairs of this country that would be of advantage, I cannot understand.

I do not wish to criticize the action of the War Department or anybody connected with it, or the committee or anybody connected with it; but my judgment, no matter whom it hits, is that this is merely a mode of granting pensions to the heirs and widows of confederate generals. That is all it means. There is nothing in these papers that amounts to anything. There is nothing in all of them that makes them worth \$20,000. All the records that amount to anything in reference to the confederacy are now in the War Department, for which the Government paid \$75,000. They have the records of all the confederate army, of all the corps, of every brigade, and of each regiment; they have the general orders and everything of that kind. What else is there that they desire I should like to know?

I do not believe in this policy at all; I do not believe it is good policy in any sense whatever. I have never heard of any appropriation of money to pay for the private papers of any Union general in the Army; not a dollar. Why is it that the private papers of some man who was on the Union side are not considered of value? I have never heard of any one asking to sell his papers. I have never heard of anybody even suggesting that an appropriation should be made to purchase the private letters of General A B or General C D of the Union Army. I know men who were in the Union Army, who had larger commands than either of these generals, and perhaps received as many letters, and perhaps wrote as many letters, yet no man has ever said that they were of value sufficient for the Congress of the United States to appropriate money to purchase them.

Before the Congress of the United States should appropriate money to buy private letters which belonged to some confederate officer or Union officer, it should be demonstrated that they are of value to the history of this country, and we should know in what respect they are to be of value. They should be examined; we should examine them here as a committee, or appoint some one to do it. The fact that there is somebody connected with the War Department who thinks it would be a very nice thing to pay \$20,000 to the heirs of confederate officers, (and this is only a mode by which it may be accomplished,) is not evidence sufficient to my mind that the people of this country should be taxed for any such purpose, unless we have the evidence of the value of these papers.

Mr. BURNSIDE. Will the Senator from Illinois allow me to ask him if it is claimed that any officer of the War Department says that these papers are valuable?

Mr. LOGAN. I do not say that any one does.

Mr. BURNSIDE. I think not.

Mr. LOGAN. I say this report is signed by "Marcus J. Wright, agent of the War Department for the collection of confederate records." I do not know anything about Marcus J. Wright. I do not know anything about anybody connected with these confederate records; but I will say that from the number of letters stated in the book somebody must have been out picking them up and getting them together to see if Congress could not be induced to appropriate a large amount of money for the purchase of the same. Who has been doing it, I do not know; but that it has been done, there is the evidence.

No man has ever asked you to appropriate money for the records made and letters written by and to the Senator from Rhode Island, [Mr. BURNSIDE.] Why? He had as large a command as either of these men. Why should not his communications be of value to this country? There is nothing in our history that is sought by the War Department except the orders of the general officers which are found in the reports in the War Department. No private letters are ever asked for from any general that I know of on the Union side; and all these things on the confederate side we have now without the private letters. I do not wish to pay for them as far as I am concerned. I merely state that I shall vote against the amendment.

Mr. HOAR. Mr. President, it seems to me there is very great force in what the honorable Senator from Illinois has said, both in the reasons which he has given for what he has said and also in his authority in regard to what is valuable in illustrating the history of the war in which he himself bore so illustrious a part; but it appears to me that without quite agreeing with the opinion which he thinks this country has formed of these papers, we have gone past the stage to which the honorable Senator's arguments are applicable.

We passed a law two years ago—I was not aware of it until it was read—directing, on the recommendation of somebody in the War Office, some agent of the Government, that negotiations be opened with these women for the private papers of their husbands. Having applied to them or negotiated with them, and obtained their terms, it seems to me we agreed to buy the papers if they are willing to sell them at what we shall find and think they are worth. The law required a report to Congress. Though I do not agree with the Senator from Kentucky, that we have made a binding bargain, we have gone to that extent; we have applied to two ladies in private life for their husband's papers

in their possession, and obtained the terms on which they are willing to sell them. Now, with the amendment the law, if it pass, will read in this way, that the President of the United States is authorized, on his examination of these papers, to purchase them at a sum not exceeding \$20,000, at such sum as he shall find they are worth as historical matter to our Government.

Whatever may be a proper policy on the whole, I think that is reasonably safe. The incoming President of the United States himself bore a very distinguished share in this war, on the Union side, and he is a person of very large literary attainment; he has been a student from his boyhood, and probably there are few persons in the country, saying nothing about his official position, to whom we should all, on both sides of this Chamber, sooner be willing to refer a question of the value of historical material.

Of course, very valuable historical material may come from the archives or the private correspondence of the enemy. We have obtained from English sources valuable material illustrative of our revolutionary history and our revolutionary war. It seems to me, therefore, although what the Senator from Illinois says has so great weight, that having made this request and gone so far in the negotiation, it is safe for us and is proper and becoming that we should authorize the President of the United States to examine these papers, and, if he finds it to the interest of the Government, to purchase them at what he thinks their historical value.

Mr. BURNSIDE. I am satisfied that the adoption of this amendment would be the establishment of a very bad precedent. There is no reason on the face of the earth why the Government of the United States should not purchase the private papers of every general officer on both sides of the line, if it purchases these papers.

The Senator from Illinois refers to my papers; I should not have referred to them myself but for his reference. I boxed up all my papers, private letters and all, as soon as I knew that the war records were going to be published and sent them to the War Department as a matter of duty, and asked the proper officer to use such of them as he chose to use and take copies of them and send me the remainder. I think that is the duty of every officer of the Army and of the relatives and heirs of every deceased officer of the Army.

It is no time now to begin to appropriate money to buy these records. If you start out on that system, there is no end to it, because there are hundreds of meritorious Union officers, and confederate officers also, who have records that will be brought here for sale.

I shall vote against this amendment simply because I do not think it would be wise to pass it, not that I would not be very glad to see the families of these officers receive the \$20,000 which is named in the amendment. I should be very glad indeed to know that any stroke of good fortune had thrown in their hands that amount of money, just as much so as I would be glad to find that it had fallen into the hands of the widows and children of Union officers. I say that with perfect candor; but I do think the precedent would be a bad one, and I hope the amendment will not be adopted.

Mr. MAXEY. Mr. President, in 1872 the Government of the United States purchased from Mr. Pickett the confederate archives for the War Department at the sum of \$75,000. Subsequently, they purchased the war record of General E. Kirby Smith, an officer of the confederate army, paying \$2,500. Subsequently they purchased the papers of General Albert Sidney Johnston. In the purchase of those papers the Secretary of War appointed a commission. That commission was composed of General Garfield, as I understand, General Crockett, and General Williams of Michigan. After an examination of those papers they regarded them as of the value of \$10,000, and they were purchased by the Government at that price. Subsequent to that the papers which I apprehend were those of General Sterling Price were purchased of Colonel Snead and for which the Government paid \$10,000. Subsequent negotiations were authorized, as I understood, to be opened for the purchase of the papers of General Bragg and of General Polk, and those papers were sent here for the purpose of being scheduled and their value looked into. It appears, so far as I can learn, that those generals kept duplicate copies of all the headquarters papers which were returned by them to Richmond. It was estimated that those papers were of the value of \$10,000 each.

Whether I would have favored originally the policy of opening out this history of war records which, it is said, have cost \$80,000, is not now the question. If the purpose and design of this Government is to make a fair, honest history or to leave the material on which to prepare an honest history of both sides accessible to the historian, then we should have the documents of those who controlled the armies on both sides.

That the papers of General Polk are of the utmost importance to the true history of the confederacy we all know; that those of General Bragg are of great importance is equally true. The question therefore is not now what it would have been were this an original proposition for a purchase; but as the Government has inaugurated the policy of gathering up these records for the purpose of making history, is it now wise to complete what the Government has begun by the purchase of these papers?

But the Senator from Illinois says these papers may not be of value, that the Government now has by the Pickett purchase, as I understood him, the seventy-five thousand dollar purchase, all that it is necessary, all that can be obtained of value in the development of the confederate

side of the question. If that be true, the amendment adopted by the Senate at the instance of the Senator from Massachusetts leaves the proposition perfectly safe, because it is well known that the President who is to act as judge of the value of these papers is as thoroughly competent for that task as a historian, as a scholar, as any man in the length and breadth of this land; nor is it reasonable to suppose that the President who is to pass upon the value of these papers would declare them to be of any value whatever unless they were, or that he would fix the price of \$10,000 on the papers of each of these parties unless they were of that value.

But it has been said that these papers should be donated, given up, Mr. President, after they have been in the actual possession for fifteen years of those who have possession of them. I apprehend the question of title is not one that could be now opened, and it is for them to determine whether or not they will give up these papers to the Government. If it is not intended to make a complete history, then abolish the bureau of war records. If it is not so intended, then all this large sum of \$25,000 in one case, \$2,500 in another, \$10,000 in another, and \$10,000 in another—all that is money worse than wasted, and the \$80,000 we pay annually to keep up this bureau is worse than wasted. If we go into this history at all, let us complete it. If the papers are not of value the President will say so; if they are we should have them.

Mr. BURNSIDE. This bureau has in its possession already all the records of the confederate war department.

Mr. MAXEY. How do you know that?

Mr. BURNSIDE. Because they were captured.

Mr. MAXEY. How do you know that they were all captured?

Mr. BURNSIDE. There might have been some papers kept in their pockets.

Mr. MAXEY. I will say to the Senator from Rhode Island that the Secretary of War has not so considered, because he has bought papers which he did regard as valuable or he would not have made the purchase.

Mr. BURNSIDE. I am speaking of the papers which were at the headquarters of the confederate government. The War Department here also has its own papers.

Mr. MAXEY. I simply desire to say to those who hold, like myself, that the history should be complete, if it is to be made under the imprimatur of this Government, let us have a fair show, give us our side of the question, and let the papers come forward and be examined.

Mr. BURNSIDE. I will now go on and state what I was about to state before. We have the papers that were captured at Richmond; we have our Union papers which were here in Washington. Those two sets of papers form the foundation for the publication. There is no disposition on the part of anybody to suppress any of them. They will all be published in the regular order, so that we shall get a pretty fair understanding of the situation from the publication of those papers.

Now, all the private papers of these generals should be given up as a matter of policy. If those who served in the confederacy desire a fair history to be presented to the public, they should give up their papers, and so should the Union generals. You cannot compel a Union general to give up his papers, but General Meade's papers were all given up, and I know other papers were given up. As I said before, I gave up mine. I think it the duty of the general officers, and of their families, their representatives, to give up these papers. If they do not give them up and any injustice occurs to their side of the question from the fact that they are not given up, the blame rests with them.

It is not for the Government of the United States to say to them, "We will pay you what you ask for these papers in order that your side may be represented." We are not going to pay you to have your side represented. I hope this is not going to be a sectional thing. I do not want to make it so. The fact that we have already paid \$75,000 for a certain set of papers and \$10,000 for another, and \$12,500 for another, does not make this right. Two wrongs do not make a right. I thought it wrong to pay for papers in the first instance. I never would have paid a dollar for them. I never asked to be paid for mine, and I never would pay a Union general or a Union general's family one dollar for them. If I wanted to contribute to a Union general's family, I would say I will give you so much for the relief of that family, but I would not say, "I will give \$10,000 for papers which are necessary to your vindication, and in which you and your parent were interested." It is your duty to give them up, to see that your parent is properly represented in history, and your posterity is interested in having it so, and you should give up these papers; they belong to history; they do not belong to you, and the Government of the United States should not pay for them. I would not vote a penny to pay Mrs. General Meade for her papers. I should be very glad to vote to give Mrs. General Meade a pension, and I should be very glad to do anything I could for these families in any way in my power, but I never would vote for buying private papers of officers, because the very moment you start out on that system you are on the wide sea; there is no end to it; and justice would require you to continue to buy papers for a long time to come.

Mr. BECK. I hope we shall have a vote on this question at as early a moment as possible; but I desire to call the attention of the Sena-

tor from Rhode Island, whose sense of justice I know is equal to that of any Senator, to the fact that by law we provided that—

The Secretary of War is authorized to negotiate with the legal representatives of the late confederate Generals Bragg and Polk for the purchase of their private papers relating to the late war, and said Secretary shall report thereon at the next session of Congress.

And under that, as proven before us yesterday in committee, the papers were delivered over to the War Department, and a large proportion of the papers belonging to the estate of General Polk have now gone into the history of the great war of the rebellion; all those belonging to Mrs. Bragg and her children have been catalogued and are ready for use.

Mr. CONKLING. May I interrupt the Senator a moment? What does he mean by their having gone into history? What has actually been done with them?

Mr. BECK. General Polk's papers are in the hands of the officers of the United States; but whether the volume to which they belong has been absolutely printed or not I am not sure; but they are in course of publication.

Mr. LOGAN. The report shows the fact that these papers have not gone into history and have not been printed at all. We desired all her papers, and they have merely been registered to be examined.

Mr. BECK. Polk's papers are now in the hands of the officers, and they are using them as though they were absolutely their own. That is the fact.

Mr. BURNSIDE. Is there any statement from the Secretary of War that he has negotiated for these papers and has agreed to give a certain price?

Mr. BECK. The Secretary of War purchased—
First, a collection of trans-Mississippi papers for \$2,500
Second, the "Sidney Johnston" papers 10,000
Third, the "Snead papers" 10,000

The law authorized this negotiation, and under that the families of these two dead generals surrendered their papers. Mr. Scott, who thought perhaps they ought not to be purchased, closes his report on the 6th day of December, 1880, by saying:

If it be decided to purchase at all, I recommend that \$10,000 be offered for each of the collections in question.

This amendment is, in my judgment, to maintain the good faith of the Government. Whether it was good policy or not to purchase any of these papers is another question. Twenty-two thousand five hundred dollars has been paid to three different parties. The Secretary of War was authorized to negotiate for these. He has done it; he has them in his possession. The report shows that he was expected to pay \$10,000 each to these people. He obtained them under these pretenses, under these assumptions, using them because they were so delivered under that belief, and whether they were worth one dollar or not, after all that has been done, I would pay at least a sum not exceeding \$10,000 each, in the discretion of the President, after investigation, to keep the good faith of the Government to the families of men who are dead. I would not take advantage of the families of General Bragg and General Polk by getting papers from them if they were not worth one dollar, if they thought they were worth something, and we induced them to give them up on the belief that we were going to pay. The honor of this Government is something, and the honor of this people is worth more than the amount of money this will cost. When we passed that law authorizing the negotiation, when we induced them to believe they were going to be paid for these papers, it seems to me we ought to do it, right or wrong, valuable or not, because we have taken the papers from them, and there is no means of showing that we have not used such as we want.

I do not care to say any more.

Mr. THURMAN. Permit me to ask my friend from Kentucky before he takes his seat whether the officers of the Government who have examined these papers recommend their purchase?

Mr. BECK. They have recommended it at various times; but of late they have made rather doubtful reports. They were examined by a board of generals of the Army, of which the President-elect was one.

Mr. LOGAN. When I objected to this proposition I did so upon the theory as I stated, and as was well stated by the Senator from Rhode Island, that it forms a bad precedent. I will try to demonstrate that from the report that the committee have used for the purpose of coming to their conclusion in reference to this appropriation. I read from the report:

The Polk papers have been placed in the hands of the Government with permission to use such as are deemed important to the publication now authorized by law. The price asked for the entire collection is \$10,000.

The Bragg papers have been submitted for the purpose of being catalogued. No present price is stipulated for, but they, as well as the Polk collection, were appraised in 1878 at \$10,000, and were once offered at, and can doubtless now be purchased for, that sum.

The policy of this Department has been, as far as practicable, to procure such important military documents (Union and confederate) as were missing from its archives by gift or loan.

No purchases have been made from Union officers or their legal representatives, and the only purchases it has made from confederate sources have been:

First, a collection of trans-Mississippi papers, for \$2,500
Second, the Sidney Johnston papers 10,000
Third, the Snead papers 10,000

Since the establishment, July 1, 1878, of an agency for obtaining confederate mil-

itary documents by gift or loan, many important collections have thus been placed at the disposal of the Government. A list of the more extensive of these collections is transmitted.

Now, what follows?

As far as known to the Department, the only important collections of confederate records held for sale are those now under consideration and the Hood papers; but it may be well for Congress—

This is the report of the Secretary of War, and I desire Senators to listen to it, although doubtless they have read it—

But it may be well for Congress to consider whether the purchase of these collections may not cause dissatisfaction among some who have heretofore placed valuable documents gratuitously at the disposal of the Government. Moreover, important documents have been received from Union officers and their representatives, and there seems to be no good reason for paying for the one class of records and not for the other.

Respectfully submitted,

ALEX. RAMSEY,
Secretary of War.

The PRESIDENT
Of the United States Senate.

In the very document upon which you base your appropriation of \$20,000 the Secretary of War tells you it is bad policy and that there is no reason why you should pay for confederate records and not pay for Union records, and not only that, but there is no reason why you should pay for these records and refuse to pay for those which have been loaned or presented as a gift.

I desire also in this connection to call attention to an extract from the annual report of the Secretary of War in 1879. He says:

UNION AND CONFEDERATE WAR RECORDS.

The preparation of these records for publication is progressing satisfactorily under the efficient management of Colonel R. N. Scott, of the Army.

The War Department agent for collecting such confederate records as may be placed, by gift or loan, at the disposal of the Government, has been very successful.

The Southern Historical Society has placed its collection at the service of the Department, and valuable documents have been furnished by Generals Johnston, Pemberton, Wheeler, Jones, Ruggles, and others. In fact, there is a general disposition on the part of ex-confederate officers to contribute material to the official History of the War.

In a few instances records of the confederate armies are held for sale, but Colonel Scott renews his objection to the purchase of such documents; and in his views I concur.

It was well said by the Senator from Massachusetts that we are partially, not entirely, obligated in this matter by a previous act passed. I presume when that act was incorporated in our laws it was done by some friend of these parties at the time to lay the foundation for these very appropriations. At the time the first provision appropriating money for purchasing confederate records was passed by the Congress of the United States it was passed in an appropriation bill, without anyone in the Senate Chamber except the committee having knowledge as to what it meant. It was for the purchase of certain records; nobody noticed it and it went through, and in that way the purchase of these records commenced. Up to the time you commenced appropriating money for them every confederate and Union officer gave what documents he had to the War Department that they might be used in future history.

But my friend from Texas says "we want a fair show in the history." Nobody denies any one in this country a fair chance in the history of this matter. No one wishes to deny any man a fair chance for his history to be blazoned before the world. It is not that; but if men want their history correctly written, let them furnish that which will make an honest history without, like leeches, sucking the blood of this Government for the purpose of giving them a fair history. All the history which I have ever made—and it is little—I charge no man and no government a cent for; it is not of much value; but if it was of greatly more value than it is, my country would never have to pay one cent for it.

Pass this bill with this amendment, and I ask any Senator to tell me what private soldier who has picked up papers on the battle-field may not hold them and demand money for them? Why is it that correspondence between private soldiers and their families is not of value as well as the correspondence between the generals and their families? If you want to get a history of this war, to get an honest one on both sides, let officers and men give to this Government that which they possess by way of letters and communications which they received during the war which throw any light upon the conduct of armies or individuals or of our Government. Let it be done in that way. The best histories that we have to-day of parts of this war are the histories which are written by regiments calling upon their comrades, each and every officer and private, to furnish a short document that is to go to make up a history of the company or regiment, and they do it. The best histories of the part that they played that I have read have been made up in that way, and they have been written from the documents of the private soldier and the officer, not with a view of paying some glowing tribute to some man, whether deserved or not, but stating the facts as they did exist at the time. That is the way to get an honest and true history of the conduct of the forces on either side during the terrible and unfortunate conflict between the people of this country.

Pass this amendment, and, as I said, every confederate officer who is unfortunate who has papers will want money for them, and perhaps every Union officer, too. There is exactly where you are leading to. You are leading us in a line which may induce men on both sides to say, "Here, I have valuable papers; pay me for them or you cannot get them."

General Lee's papers were of great value, doubtless. How much are we to pay for them? The papers of many Senators here who were on the confederate side may be of great value. Are we to pay for them if they should be so unfortunate as to die within a few years? Are we to pay when General Grant passes away a large sum of money to his heirs for his private papers? So with General Sherman; so with General Sheridan; so with all these men. Is that what we mean? Do we mean a general pensioning of the families of the officers on both sides? It cannot be obtained in any other way except by paying for papers which are of any value whatever perhaps to the history of this country.

That is what this measure means. It does not mean \$20,000 to the heirs of General Bragg and General Polk, but it means hundreds of thousands of dollars in the future to the heirs of other men on both sides, and to many men living, on both sides, who have papers.

In answer to the Senator from Texas, who desires honest history, as I do, I say let the men who desire an honest history who have papers which throw light upon any fact during this great conflict bring them to the War Department, and if they desire to keep them, let the War Department take copies of them and return the originals to the owners. That will show at least some patriotism. It will not show that all there is of patriotic devotion in the American people is merely to squeeze a little money out of the Government for that which is of no value on earth to them. If they keep them their light may not shine. They are worth nothing, and can be worth nothing to any one except to history.

I oppose this whole proposition. I have always voted against propositions of this kind, and I shall have to do so; for it means naught but opening the gates or doors of the Treasury to benefit certain persons who cannot be placed upon the pension-roll of the United States of America.

Mr. VEST. Mr. President, this amendment of the committee as amended I suppose will be laid on the table. I propose to make that motion.

Several SENATORS. Let it go.

Mr. VEST. I want to say one word to the Senator from Illinois before I make that motion; because I cannot content myself with simply voting to lay this whole question on the table, as I shall do, without saying as a southern man, and, as I believe, speaking the sentiment of the southern people, that I repudiate the idea that we propose to pension the widows of our generals or their children in any such fashion as that.

Sir, recollecting the devotion to the cause of the South of those now dead, I have from the beginning deprecated this thing of peddling out memoirs of our dead generals or of our living soldiers to this or any other government—

Mr. LOGAN. The Senator, I know, will allow me to make a suggestion. What I said about pensioning applied to both sides, not to one alone. As I said it would apply to those who could not go on the pension-roll on either side; this was the mode by which to provide for them. I made no application to one more than to another.

Mr. VEST. For myself, and as I believe for a majority of the southern people, I say the fact is that we make no such claim on the Government of the United States. I do not call it a pretext when men tell us they desire a fair and impartial history of themselves made. Sir, the history of that unfortunate war belongs to the victors and not to the vanquished; and when the confederacy surrendered it surrendered the history of the war as it did its munitions and its muskets. They belong to the United States Government, the history is their property; and if records should be piled here mountain high, by sale or gift, the history would still be the same. There is only left to us the demand of justice in a fair representation of the glories of so many hard-fought fields. The history of the war belongs to the Government, and for myself and the people with whose destinies I was united I have simply to say God speed that history, may it be glorious, finally and forever.

I move, sir, to lay this amendment, and I hope this question forever, upon the table.

The PRESIDING OFFICER. The Senator from Missouri moves to lay the amendment on the table.

The motion was agreed to; there being on a division—ayes 31, noes 10.

The PRESIDING OFFICER. The Secretary will report the next reserved amendment, on page 66, beginning with line 1619.

The CHIEF CLERK. The amendment is, after line 1618, to insert:

To enable the Secretary of the Senate to pay for preparing the index to private claims, under the resolution of June 16, 1880, directing him to prepare an alphabetical list of all private claims which have been before the Senate, with the action of the Senate thereon, since the 3d day of March, 1867, \$2,500.

Mr. VEST. I move to amend the amendment by striking out those words and inserting:

To enable the Secretary of the Senate to pay for preparing the index to private claims under the resolution of June 16, 1880, directing him to prepare an alphabetical list of all private claims which have been before the Senate, with the action of the Senate thereon, since the 3d day of March, 1867, the sum of \$4,250.

I ask the attention of the Senator from Kentucky having the bill in charge. By the act of July 23, 1866, \$5,000 were appropriated and \$2,000 by another act, making \$7,000 in all, for indexing the private claims at the Thirty-third, Thirty-fourth, Thirty-fifth, Thirty-sixth, Thirty-seventh, Thirty-eighth, and Thirty-ninth Congresses. The

work done under the present authority embraces the private claims of the Fortieth, Forty-first, Forty-second, Forty-third, Forty-fourth, and the first and second sessions of the Forty-sixth Congresses, at least one-third more labor performed under this provision than the work for which Congress paid \$7,000. I know a gentleman from my State employed in this labor, and several other clerks were assisting, more or less. I know this gentleman who worked here five months will receive from the amendment of the committee, if adopted, some \$50 or \$75 per month, out of which he has to pay his ordinary expenses. The Secretary of the Senate assumed that Congress would pay these men at the rate of \$125 per month, which is little enough in the city of Washington. Men entitled to a furlough of two months during the summer remained here to work on this list. The work has been well done, faithfully done, and \$50 per month would be a very little allowance. It is great injustice to the employes who were engaged on it. That is all I desire to say in regard to it.

Mr. DAVIS, of West Virginia. The facts are about these: the Senate did pass a resolution a few years ago directing the Secretary to make up the list of private claims to date. The Secretary performed the duty. He employed clerks under pay the year round. Most probably every other man who worked upon this business has been paid by the Senate regularly along. The committee believed there were some persons entitled to a part of this sum perhaps who did not receive pay during the time this work was performed, and the committee thought \$2,500 was sufficient to pay for all that kind of work. I am not opposing this especially; but the Committee on Appropriations believed, after considering the whole question, that \$2,500 ought to settle it.

Mr. BAILEY. I wish to ask the Senator from West Virginia a question. He spoke of the Secretary having been directed by the Senate to have this work done, and spoke of the Secretary as a salaried officer. Does he mean that the Secretary claims for himself any part of this amount?

Mr. DAVIS, of West Virginia. Oh, no.

Mr. BAILEY. I thought the Senator's language would imply that the Secretary was to have part of it.

Mr. DAVIS, of West Virginia. I am sorry that I used language which conveyed such an implication. I did not intend to imply any such thing. I know the Secretary gets no portion of this money. I have never had a thought in that direction, but many of the employes who are paid the year round by the Senate, were engaged in this work, and I do not know but that all of them were of that class.

Mr. HARRIS. Upon a former occasion, under exactly the same character of resolution requiring the Secretary of the Senate to perform exactly the same character of work, Congress appropriated \$7,000 to pay the expense. This work amounts to one-third more than the work then performed. The present Secretary of the Senate employing clerks to perform the duties which the resolution required at his hands, in the exercise of what he supposed to be a proper discretion, stated to these employes that he supposed they would receive compensation at the rate of \$125 per month for their services. They have performed their work fully, thoroughly, and well, and taking an account of the time actually devoted to this service, the estimate of the Secretary of the Senate is \$4,200, nearly three thousand dollars less than was allowed for a similar work, and certainly not in excess of a just compensation to these employes. For that reason I shall vote for the amendment of the Senator from Missouri and against the proposition of the committee.

Mr. WILLIAMS. I wish to add my testimony to that of the Senators from Tennessee and the Senator from Missouri. This work was authorized by law to be done. The Secretary was directed to do it, and he might have gone much further and hired other clerks to do the work, which, if he had so done, would have cost the Government more than \$10,000; but these men were kept here. Everybody says the work done on this index is extra work. It is not the ordinary work of the clerks; it is all extra work. They staid here all last summer, when they might have been at home with their friends and families, and worked assiduously on this index, and I think it is nothing but just and right that they should be paid.

Mr. BECK. I hope we shall have a vote.

The PRESIDING OFFICER, (Mr. COCKRELL in the chair.) The vote will be taken as soon as debate ceases on the amendment.

Mr. BECK. I will only say that I agree with every word that the Senator from Missouri has said.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Missouri to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

Mr. VEST. Mr. President—

Mr. WITHERS. Will the Senator from Missouri yield to me to present a conference report?

The PRESIDING OFFICER. The Chair will receive the report.

THE DISTRICT APPROPRIATION BILL.

Mr. WITHERS. I submit a report from the committee of conference on the District of Columbia appropriation bill.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 7035) making appropriations to pro-

vide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1882, and for other purposes, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendments numbered 24, 25, 26, 27, 28, 49, and 50.

That the House recede from its disagreement to the amendments of the Senate numbered 11, 13, 14, 15, 16, 17, 18, 19, 20, and 60; and agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment, as follows: In line 23 of said amendment, after the word "including," insert the words "one-half of;" and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment, as follows: Add at the close of the amendment, as a new section, the following:

"Sec. 6. That the commissioners of the District of Columbia are authorized to sell to the highest bidder, at public auction, and under the provisions of section 3 of this act, the following, namely: All the right, title, and interest of the United States in and to a certain parcel of land in the square south of square 181, in said city of Washington, described as follows, to wit: Beginning at a point on the north side of N street northwest, 48 feet 2 inches west of the west line of Sixteenth street; running thence along N street westerly eighteen feet; thence northerly 62.14 feet to Massachusetts avenue; thence southeasterly along said avenue 19.69 feet; thence 54.27 feet south to the point of beginning on N street. The proceeds of sale to be applied to the use mentioned in section 3."

R. E. WITHERS,
ISHAM G. HARRIS,
WM. WINDOM,

Managers on the part of the Senate.

T. R. COBB,

JO. C. S. BLACKBURN,

FRANK HISCOCK,

Managers on the part of the House.

Mr. McMILLAN. May I ask the Senator who has submitted the report what is the property referred to there to be sold?

Mr. WITHERS. A little strip of property that formerly belonged to a foreigner that has been escheated to the Government, and the commissioners of the District and the Superintendent of Public Buildings and Grounds, as I understand, recommend its sale. It is a very small matter.

Mr. CONKLING. Does the Senator speak of the property mentioned in the last amendment?

Mr. WITHERS. Yes, sir.

The report was concurred in.

SUNDRY CIVIL BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 7203) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes.

Mr. VEST. On page 59, line 1433, I propose the following amendment:

For the purpose of reimbursing the United States Treasury for a certain sum of money appropriated by this Congress for depredations committed by the Kiowa and Comanche and Sioux tribes of Indians, the Secretary of the Treasury is hereby authorized to withhold from the annuities payable to said Indians an amount equal to said sum so appropriated, and he may withhold all of said sum out of the annuities due or to become due to said Indians in any one year, or otherwise, as between him and the Secretary of the Interior may be agreed upon, due reference being had to the care and welfare of said Indians.

Mr. BECK. I raise the point of order that that is legislation on this bill.

The PRESIDING OFFICER. The Senator from Missouri has not stated the amendment yet.

Mr. VEST. I have a letter from the Secretary of the Interior, addressed to my colleague, now in the chair, [Mr. COCKRELL,] conveying information about this amendment. The amendment comes from the Department of the Interior, at the request of the Secretary.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, March 2, 1881.

SIR: I inclose herewith an item of appropriation for insertion in the sundry civil or deficiency appropriation bill now pending before Congress to reimburse the United States for such sum as may be appropriated for the Kiowa and Comanche and Sioux tribes of Indians for the sum taken from their annuities under the provisions of Senate bill No. 1181.

Very respectfully,

C. SCHURZ,
Secretary.

Hon. F. M. COCKRELL,
United States Senate.

Mr. COCKRELL. I hope no point of order will be made, for this reason: at this Congress a bill has been passed and become a law making certain appropriations to pay certain claims to come out of these annuities. There is no provision for replacing that amount. By leaving it to the Secretary of the Interior and the Secretary of the Treasury it may be paid in one, two, or five or ten years. It will be paid in such manner that no harm will be done the Indians. It makes no additional appropriations. It is simply to prevent the whole amount going out of the Treasury this year that this amendment is offered. There is no question but that it is right. I saw the Secretary of the Interior in person, and this is his suggestion.

Mr. BECK. I have made the point of order that it is legislation on this bill, and I make it for this reason: that if this be allowed—

The PRESIDING OFFICER, (Mr. GARLAND in the chair.) The Senator may proceed by unanimous consent.

Mr. BECK. We have only one day to have these amendments considered in the House and considered in conference. However right this is, it is impossible for some of us on the conference committee to

understand it, and if this amendment is right it ought to pass as an independent measure.

Mr. COCKRELL. A conference committee must be had.

Mr. BECK. A conference committee must be had, but a conference committee which has never looked into the question, not being members of the Indian Committee, cannot be expected to pay much regard to such an amendment.

Mr. CONKLING. Does the amendment come from the Indian Committee or any other committee?

Mr. BECK. Not that I know of.

Mr. COCKRELL. No, but from the head of a Department.

Mr. BECK. It has never been before the Committee on Appropriations or anywhere else that I know of.

Mr. COCKRELL. It has been before the Committee on Appropriations in the letter from the Secretary.

Mr. BECK. When?

Mr. COCKRELL. I so understood, and was so informed, that he had sent a letter to the Committee on Appropriations of the House and a letter to the Appropriations Committee of the Senate making this suggestion.

Mr. BECK. I never saw it, so far as I am aware.

Mr. ALLISON. I do not want to interfere with the Senator from Kentucky, but the facts are as stated by the Senator from Missouri, that we have taken by a bill, which has passed both Houses, from these tribes, the Kiowas and Comanches, all the money that they are entitled to for this year. The object of this amendment is to allow the appropriations made for these tribes to go on and permit the money to be taken out in the course of two or three or four years. It is true it has not been regularly referred to any committee, but the proposition is perfectly right and just in itself, and it ought to pass.

The PRESIDING OFFICER. Does the Senator from Kentucky insist on the point of order?

Mr. BECK. I do.

The PRESIDING OFFICER. The Chair submits it to the Senate. As many as are of the opinion that the point of order is well taken, will say "aye;" contrary, "no." [Putting the question.] The Chair is in doubt.

A division was called for; and being taken, resulted—ayes 20, noes 12; no quorum voting.

Mr. HARRIS. I ask for the yeas and nays to get a quorum.

Mr. CONKLING. If the Senator from Tennessee will pardon me I think if the Chair will take the question once more a quorum will vote.

Mr. HARRIS. I will withdraw the demand for the yeas and nays very cheerfully if we can have a quorum voting.

The PRESIDING OFFICER. The Chair will put the question again.

Mr. HOAR. Will the Chair state the point of order once more?

The PRESIDING OFFICER. The Senator from Kentucky raises the point of order that the amendment offered by the Senator from Missouri is not in order.

Mr. CONKLING. Being general legislation on an appropriation bill.

The PRESIDING OFFICER. The amendment will now be reported. The CHIEF CLERK. After line 1432 it is proposed to insert:

For the purpose of reimbursing the United States Treasury for a certain sum of money appropriated by this Congress for depredations committed by the Kiowa and Comanche and Sioux tribes of Indians, the Secretary of the Treasury is hereby authorized to withhold from the annuities payable to said Indians an amount equal to said sum so appropriated; and he may withhold all of said sum out of the annuities due or to become due to said Indians, in any one year, or otherwise, as between him and the Secretary of the Interior may be agreed upon, due reference being had to the care and welfare of said Indians.

Mr. COCKRELL. Now let the letter of the Secretary of the Interior, recommending this amendment and sent here for that purpose, be read.

Mr. HOAR. Does this come from any committee?

Mr. COCKRELL. From the head of a Department.

Mr. HOAR. There is no estimate for it.

Mr. COCKRELL. There is not a dollar appropriated. It is not on that ground. There is no appropriation. It is simply to give a discretion to the Secretary of the Interior and the Secretary of the Treasury in regard to appropriations which have already been made.

Mr. HOAR. It is simply legislation, in other words, on an appropriation bill, and clearly out of order.

Mr. COCKRELL. It is not "simply legislation." There is no legislation in it.

Mr. HOAR. It is clearly out of order under our rules, and is sought to be made in order on the ground that there is a letter from a Secretary recommending it. The only case in which a letter from a Secretary can have any possible practical application is where there is an appropriation of money proposed to carry out an existing law in pursuance of an estimate.

Mr. COCKRELL. Let the letter of the Secretary be read.

Mr. HOAR. If there can be a case stated under the rules of the Senate of a proposition more clearly out of order, it would puzzle the ingenuity of my friend from Missouri to state.

Mr. DAWES. I should like to inquire of the Senator from Missouri if this does not contain an appropriation and does not contain general legislation of what practical use is it?

Mr. COCKRELL. The appropriation has already been made. The

appropriation takes a certain amount of money out of the annuity fund which will exhaust that annuity. Now this simply gives the Secretary of the Treasury and the Secretary of the Interior a discretion in regard to paying the whole amount at one payment or paying it in five, six, or ten years.

Mr. DAWES. A discretion which they have not now by existing law, but will have by force of some legislation in this amendment. That is what I call independent legislation.

Mr. VEST. I am not an expert in parliamentary law, but if I understand the principles of the rule the amendment is in order. What is the rule the Senator from Kentucky invokes against it? It is in this language:

No amendment shall be received to any general appropriation bill, the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, &c.

Now, sir, this amendment neither increases an appropriation nor adds an item. There is not a dollar of increase in it.

The PRESIDING OFFICER. The objection of the Senator from Kentucky is based on rule 29.

Mr. VEST. That rule is:

No amendment which proposes general legislation shall be received to any general appropriation bill.

The PRESIDING OFFICER. That is the point.

Mr. VEST. I say it does not come under that objection. It is not general legislation. Here we have appropriated already by an act of Congress fifty odd thousand dollars to be taken out of the 5 per cent. fund of these Indians. It does not come out of the Treasury of the United States, but comes from the Indians. The Secretary ascertains that if he takes thirty-odd thousand dollars from one of these tribes it will leave them without a dollar for their annual supplies, and they will immediately go upon the war-path. He suggests to Congress that they simply give him the discretion to distribute this appropriation over several years instead of paying it all out in any one year. That is not general legislation, I submit. It is simply a direction to one of the officers of the Government in regard to legislation already had; simply directing him, telling him that he may make this payment in three, four, five, or ten years if he pleases, instead of exhausting the fund of the Indians by \$30,000 at one time. The amendment I think is in order, and I submit that the Senate should overrule the point made by the Senator from Kentucky.

Mr. COCKRELL. I ask that the letter of the Secretary of the Interior be read.

Mr. BECK. Is it in order to have that letter read?

The PRESIDING OFFICER. The Chair thinks it is.

Mr. COCKRELL. Send it to me and I will convince the Senator from Kentucky that it is in order to read it.

The PRESIDING OFFICER. The proposition is debatable, and the Chair supposes the reading of the letter is in order as debate.

Mr. COCKRELL. I will read it myself:

DEPARTMENT OF THE INTERIOR,
Washington, March, 2, 1881.

SIR: I inclose herewith an item of appropriation for insertion in the sundry civil or deficiency appropriation bill, now pending before Congress, to reimburse the United States for such sum as may be appropriated for the Kiowa and Comanche and Sioux tribes of Indians for the sum taken from their annuities under the provisions of Senate bill No. 1181.

Very respectfully,

C. SCHURZ,
Secretary.

Hon. F. M. COCKRELL,
United States Senate.

Mr. BUTLER. May I ask the Senator from Missouri the date of that letter?

Mr. COCKRELL. It is dated to-day.

Mr. BUTLER. That is very remarkable. I ask why has not that communication been made earlier, and to the Senate instead of the Senator? I confess I do not comprehend it.

Mr. COCKRELL. Yesterday I had a letter from the Secretary of the Interior conveying a letter from the Acting Commissioner of Indian Affairs, addressed to the House Committee on Appropriations; and I was advised that the same came to the Senate Committee on Appropriations, a letter prepared by the Commissioner of Indian Affairs, addressed to the Secretary of the Interior, and by him communicated to the two Committees on Appropriations, the one in the Senate and the one in the House. This bill only passed the House three or four days ago. The measure diverting the annuities passed the Senate early in the session. As soon as the Secretary's attention was drawn to it he sent for me. I called upon him yesterday and was advised in regard to it; and I understood him—I know I saw a copy of the letter sent to the Committee on Appropriations of the House—that he had sent a copy of the same to the Committee on Appropriations of the Senate. I do not know whether they received it or not. Then it was that he made the suggestion and said he would communicate with me, and the letter I have read was sent and received this morning. There is no opportunity of referring it to the Committee on Appropriations. I never thought anybody would object to this amendment.

Mr. BUTLER. Will the Senator state why the House Appropriations Committee did not adopt the suggestion of the Secretary of the Interior?

Mr. COCKRELL. The bill was already in the Senate. The let-

ter of the Secretary of the Interior was sent yesterday, and the sundry civil bill was then here. The bill to which this refers passed the Senate last session, but only passed the House a few days ago. It appropriates a certain amount out of the annuities of these Indians. If that amount is all paid this year, it absorbs the whole fund. If the Secretary of the Interior and the Secretary of the Treasury can regulate it they will withhold the amount and pay it so that no harm will be done to these Indians. That is all there is in it. The Secretary of the Interior and the Commissioner of Indian Affairs recommend it, and it is perfectly correct.

Mr. CONKLING. Will the Senator allow me to ask him a question?

Mr. COCKRELL. Certainly.

Mr. CONKLING. Does the Senator think this amendment is in order under the rule?

Mr. COCKRELL. I think it is, and I think I can show half a dozen decisions of the Senate that just such amendments are in order.

The PRESIDING OFFICER. The question is whether the point of order made by the Senator from Kentucky is well taken.

Mr. CONKLING. I ask the Chair to state the question again.

The PRESIDING OFFICER. The Senator from Kentucky has raised the point of order on the amendment offered by the Senator from Missouri, that it proposes general legislation to a general appropriation bill, and the question as stated by the Chair now is, Is the point of order well taken?

Mr. CONKLING. Those who vote in the affirmative vote that the point of order is well taken.

The PRESIDING OFFICER. And those who believe it is not vote in the negative.

Mr. SAUNDERS. Now let the amendment be read.

Mr. DAVIS, of Illinois. It has been read half a dozen times.

The PRESIDING OFFICER. If the Senator from Nebraska persists the Secretary will again read the amendment.

The Chief Clerk again read the amendment.

The question being put, there were on a division—ayes 25, noes 14.

The PRESIDING OFFICER. The Senate decides that the point of order is well taken.

Mr. BUTLER. I move now, on page 58, line 1657 to 1662 inclusive—

The CHIEF CLERK. From line 1657 to 1662 the Committee on Appropriations reported to strike out the following words:

To enable the Clerk of the House to pay to the officers and employés of the House of Representatives borne on the annual roll on the 1st day of July, 1880, one month's extra pay at the compensation then paid them by law, which sum shall be immediately available.

Mr. BUTLER. I move—

Mr. BECK. I rise to a point of order.

The PRESIDING OFFICER. (Mr. COCKRELL in the chair.) The Chair has not heard the motion of the Senator from South Carolina. Mr. BUTLER. I move that the Senate non-concur in the amendment.

The PRESIDING OFFICER. That motion the Chair will hold is not now in order. It will come up when the bill is reported from the Committee of the Whole to the Senate.

Mr. BUTLER. I reserve it for that occasion.

Mr. GARLAND. I ask leave now to call up the amendment of which I gave notice. On page 54, line 1310, after the word "dollars," I move to insert:

Provided, That in addition to the duties of the Director of the Geological Survey as now prescribed by law, he may extend his examination of the geological structure and mineral resources and products into the respective States when requested by the authorities thereof.

Mr. BECK. I make the point of order that that is legislation.

Mr. GARLAND. I have the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Arkansas submits his amendment.

Mr. GARLAND. I have the floor upon it and wish to say a few words.

This is the substance, in fact almost the identical language of a joint resolution passed by the House of Representatives, and that has for some time been on the table of the Senate. It simply asks that the Director of the Geological Survey may extend his work into the States, examining into their mineral resources and products upon the request of the authorities of the States. It does not compel him to go there, does not say he shall go there, but simply that he may go when he is invited to go by the authorities of a State.

If I had the time to read the report of the Director of the Geological Survey, I believe I could convince the Senate that this is a very necessary piece of work specified in this amendment. It does not ask for any additional sum to be appropriated, but it simply asks that these may be put upon him as additional duties when the authorities of a State request it. Its importance cannot well be overestimated to many States. A number of them have attempted to make geological surveys, and a number of them have failed because they have not the ability and means to make those surveys.

I will not undertake to detain the Senate now by going into details on this proposition, but I hope the Senator from Kentucky will not feel it his duty to make the point of order upon the amendment, because it was offered several days ago, printed, and referred to the Committee on Appropriations, and they had every opportunity,

and I suppose they exercised the privilege they had, to look into this matter and consider it. I hope the Senate will come to a direct vote on the proposition.

Mr. BECK. I make the question of order that it is legislation on an appropriation bill.

The PRESIDING OFFICER. The question of order is made by the Senator from Kentucky that the amendment proposed by the Senator from Arkansas is not in order; that it is general legislation upon an appropriation bill.

Mr. JONES, of Florida. I want to vote intelligently on this subject. While I am in favor of this system I do not want to violate any rule of the Senate. I ask if this amendment will change the existing law on the subject?

Mr. BECK. It would extend the authority of the Director of the Geological Survey into States where by right he cannot go, and would require the payment of half a million dollars annually instead of \$150,000.

Mr. JONES, of Florida. The duty of the survey is fixed by law.

Mr. BECK. It is confined to the national domain.

Mr. JONES, of Florida. This amendment proposes to extend it?

Mr. BECK. It does.

Mr. JONES, of Florida. I think it is general legislation.

Mr. GARLAND. I will say to the Senator from Florida that it enlarges the duties of the director of the survey. He may perform these duties in addition to the duties already imposed upon him by law, if the authorities of the State request it. It does not necessarily change any law, but throughout this whole bill we have provisions of that sort directing how the appropriations shall be expended. That is all there is of it.

Mr. SAULSBURY. This enacts a new provision of law.

Mr. WITHERS. I would suggest that if there was a provision of law now on our statute-book which would authorize this survey to be made in the States, this amendment is unnecessary; if it requires the enactment of a law to enable them to do it, it is general legislation.

Mr. DAVIS, of West Virginia. I understand there is a director of the geological survey at the head of it. This clause appropriates \$150,000 for the expenses of that bureau. The Senator from Arkansas now proposes to say that in addition to his present duties he may do so and so. That is the whole of it. If this be general legislation in the sense of the rule, then anything—I do not care what the proposition is—that may be offered in the way of an amendment is general legislation. If this is general legislation, no amendment whatever on which a question is raised can be offered on this bill.

Mr. WITHERS. Suppose it was proposed to make the amount of \$150,000 \$50,000 less, would that be legislation?

Mr. DAVIS, of West Virginia. That is not the proposition.

Mr. WITHERS. But the Senator said any amendment would be liable to the point of order.

Mr. DAVIS, of West Virginia. Any amendment outside of a mere appropriation. There is a bureau in existence; there is an officer in existence. The Senator from Arkansas proposes to add to that man's duties. While to-day he is confined to the national domain it is proposed that he may survey the States with their consent. The point which I present is, that if this be general legislation nothing can be added hereafter in any form, because here exists the appropriation, here exists the bureau officer, and here exists all the machinery, and the amendment says in addition to his duties now fixed by law he may go into the States and survey them by their consent.

The PRESIDING OFFICER. The Chair will state that debate upon a question of order is not allowable. The Chair has entertained the debate, as is usually done, by unanimous consent. The Chair decides, in accordance with the decision of the Senate made only a few moments ago, that this amendment is general legislation and is not in order, but will submit the question to the Senate if the Senator from Arkansas desires.

Mr. GARLAND. I do not desire to take up the time of the Senate. If the Chair decides it is out of order, I submit, though I had hoped that a matter of this great importance would have been permitted to go. There is very much legislation in the bill liable to the same objection if this is out of order.

Mr. VOORHEES. I gave notice of an amendment which I ask to have now read.

The CHIEF CLERK. At the end of line 1350 it is proposed to add:

That the proper accounting officers of the Treasury be, and they hereby are, authorized and directed to pass to the credit of Charles H. Nicholls, late superintendent of the Government Hospital for the Insane, the sum of \$3,037.09, that being the amount disallowed in his accounts; and being the difference in salary between \$2,500 and \$4,000 per annum from June 22, 1874, to June 30, 1876; said disallowance having been made to conform to the requirements of the Revised Statutes, section 4339, adopted June 22, 1874; and the salary of the said superintendent is hereby fixed at \$4,000 per annum, as originally provided in act of March 2, 1867.

Mr. VOORHEES. This has been considered carefully by the Committee on the Revision of the Laws and unanimously reported as a bill to the Senate during the present session, and unanimously passed by the Senate. Finding, however, that it will be impossible for it to get through the House I offer it in this shape. I offer it as an amendment to this bill under the direction also of the Committee on the Revision of the Laws; so that it stands as well as a measure can for approval. The committee have kindly allowed me to offer this inasmuch as it was considered in the committee, and I have heard no

objection to it. Now, if the Senate will, in view of the precious value of time, require no further explanation than this, I will stop. If not I can give the explanation of the merits of it very succinctly and plainly.

Mr. DAVIS, of West Virginia. We had just a moment ago an amendment offered which simply extended one step further the duties of the Director of the Geological Survey, and that was decided by the Chair to be out of order. If that be so what is this amendment?

The PRESIDING OFFICER. Nobody has raised any question of order upon it.

Mr. DAVIS, of West Virginia. I understand—

Mr. VOORHEES. I am quite sure that the amiable chairman of the Committee on Appropriations will not do it.

Mr. DAVIS, of West Virginia. If it is not done, I suppose everybody will be coming in.

Mr. VOORHEES. But this matter has been considered by the committee, and not unfavorably.

Mr. DAVIS, of West Virginia. That is true, and the matter offered a moment ago had passed the House, been considered by the Committee on Appropriations, and yet it was ruled out of order.

Mr. BECK. It was not agreed to in committee.

Mr. DAVIS, of West Virginia. It was reported from the committee and on the Calendar.

Mr. BECK. The amendment was not before the Committee on Appropriations.

Mr. DAVIS, of West Virginia. I referred to the joint resolution which was the basis of the amendment. I did not have reference to the amendment on this bill. If we permit this amendment, I do not see how we can prevent others, and I must raise the point of order.

The PRESIDING OFFICER. The Senator from West Virginia raises the point of order.

Mr. VOORHEES. I will say that that is so contrary to what I supposed of the Senator from West Virginia that I am taken by surprise, and consequently I am not as thoroughly posted on the question of order as I would have been if I had anticipated a necessity to discuss it; but I have no idea that it is out of order. It comes in connection with the provision made in the bill for the Government Hospital for the Insane. On what ground does the Senator from West Virginia say it is out of order?

Mr. DAVIS, of West Virginia. The Senate will observe if it has listened to the amendment that it is a correction of the law. If it is correcting the law, it is certainly legislation. It is also fixing a salary at probably what it ought to be. I admit everything that the Senator can say about the merit of it; perhaps this salary ought to be fixed at this sum; but it is legislation or it would not be necessary.

Mr. VOORHEES. Let me appeal to the Senator in behalf of a measure most meritorious and necessary. Let me state the situation of this matter, and then I will leave it to the Senate to decide whether I am in order or out of order.

In March, 1867, the salary of the superintendent of the Government Hospital for the Insane was fixed at \$4,000 a year. Prior to that time it had been \$2,500 a year. The increasing magnitude of that great institution was such that—

Mr. WITHERS. I suggest to the Senator from Indiana that the deficiency bill will be the more proper place for his amendment.

Mr. VOORHEES. With the assurance given me by the chairman and other members of the Committee on Appropriations, I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn. Hereafter when questions of order are raised the Chair will be compelled to decide them or submit them to the Senate, and not permit discussion further than a simple explanation of the object of the amendment.

Mr. MORGAN. I offer an amendment to come in after line 1603, on page 66:

For payment of expenses of an embassy to the government of Mexico, to consist of not more than two ambassadors to act in connection with the minister plenipotentiary of the United States in Mexico, and for a secretary and a translator to attend such embassy, \$25,000, to be expended under the direction of the Secretary of State.

Mr. BECK. The Committee on Appropriations considered that last night. The Senator from Connecticut [Mr. EATON] being absent we resolved that this might be offered and so far as we were concerned no point of order would be made upon it. It was laid over in consequence of his absence, he being chairman of the Committee on Foreign Relations. I make no point of order.

Mr. DAVIS, of West Virginia. I concur in what the Senator from Kentucky says.

Mr. MORGAN. I desire to say that the subject of an embassy to the government of Mexico has been before the Committee on Foreign Relations during this entire Congress. A formal resolution was sent to us from the House, and also a resolution has originated in the Senate. The Committee on Foreign Relations have given very attentive and diligent consideration to this question, and are of opinion that an embassy is required by the existing state of the relations between the two governments. It is not necessary now, and perhaps not proper in open session, to go into all the reasons which have influenced the Committee on Foreign Relations. The committee have been very deeply impressed with the necessity as well as the policy of sending

an embassy to the Government of Mexico to readjust our diplomatic relations with that country. There is a prospect of immense gain and service to the whole country, a prospect of the realization of the hopes of many of the people of the United States and of many in Mexico also, that our relations shall become more kindly and that there shall be reciprocal advantages of trade.

Mr. DAVIS, of West Virginia. I wish to ask the Senator from Alabama a question. The amount named is \$25,000; does he not think that large?

Mr. MORGAN. No, I do not, and I will state to the honorable Senator that after full conference with Mr. Evarts, the present Secretary of State, that amount was fixed upon as the amount which should be appropriated for such an object. The Government of the United States may not be called on to expend the amount; the Government of the United States may not find it necessary to send the embassy; but we make provision that during the summer, between now and the next session of Congress, the Government shall find itself in possession of the means to carry into effect its constitutional power if it desires to exercise it, and that is all the committee desires to accomplish.

I will state further, that in consultation with other gentlemen who I think are aware of what will be the policy of the incoming administration, this is very desirable.

Mr. EATON. I hope this amendment will be adopted by the Senate. It may be very important that this embassy should be established. It is a matter to be left to the incoming administration. If it is important that the President shall exercise the power, then he will exercise it; if it is not important he will not, and therefore no money will be expended, but the money ought to be placed at the disposal of the President. The Committee on Foreign Relations have no doubt on that subject.

Mr. MORGAN. I will modify the amendment by inserting "or so much thereof as may be necessary" after the word "dollars."

The PRESIDING OFFICER. The amendment will be so modified. The amendment, as modified, was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. No. 4592) to facilitate the refunding of the national debt.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

- A bill (H. R. No. 205) granting a pension to Jacob Gelwicks;
- A bill (H. R. No. 1469) granting a pension to Mary Ann McCarroll;
- A bill (H. R. No. 2549) granting a pension to Edward H. Mitchell;
- A bill (H. R. No. 3309) for the relief of John T. Neale;
- A bill (H. R. No. 3751) to amend chapter 198, volume 16 of the Statutes at Large;
- A bill (H. R. No. 5066) to provide for the preparation of classified abridgments of all letters-patent of the United States;
- A bill (H. R. No. 1280) to amend section 2326 of the Revised Statutes, relating to suits at law affecting the title to mining claims;
- A bill (H. R. No. 440) for the ascertainment of the amount due the Choctaw Nation;
- A bill (H. R. No. 802) granting a pension to Wyatt Botts;
- A bill (H. R. No. 1452) for the relief of James B. Furman;
- A bill (H. R. No. 2439) granting a pension to Henry Mills;
- A bill (H. R. No. 2773) granting a pension to James P. Hunter;
- A bill (H. R. No. 3450) for the relief of Lewis A. Kent;
- A bill (H. R. No. 3789) for the relief of Homer Fellows;
- A bill (H. R. No. 6248) directing the payment of certain awards in favor of parties therein named;
- A bill (H. R. No. 7032) to amend the act incorporating the Capitol, North O Street and South Washington Railway Company;
- A bill (H. R. No. 2269) for the relief of Calvin Bronson;
- A bill (H. R. No. 2437) for the relief of several persons impressed into the United States naval service;
- A bill (H. R. No. 4411) to establish an additional land district in the State of Kansas;
- A bill (H. R. No. 4477) to regulate the mode of purchasing tobacco for the United States Navy;
- A bill (H. R. No. 5627) to amend section 1486 of the Revised Statutes in order to preserve the meaning of the original law from which it was taken with reference to the rank of engineer officers, graduates of the Naval Academy;
- A bill (H. R. No. 5832) for the relief of David W. Bell;
- A bill (H. R. No. 6479) for the relief of Thomas Snell;
- A bill (H. R. No. 2769) to amend the act entitled "An act to encourage the establishment of public marine schools," approved June 20, 1874, so as to extend it to the ports of Wilmington, Charleston, Savannah, Mobile, New Orleans, Baton Rouge, Galveston, and in Narraganset Bay;
- A bill (H. R. No. 3742) to authorize the Secretary of the Treasury to sell certain real estate belonging to the United States, and vesting the title to certain other lands in the city of Vincennes, in the State of Indiana, and for other purposes;
- A bill (H. R. No. 6529) making appropriations for fortifications and

other works of defense, and for the armament thereof, for the fiscal year ending June 30, 1882, and for other purposes; and

A joint resolution (H. R. No. 186) authorizing the Secretary of the Treasury to furnish States for the use of agricultural colleges one set of standard weights and measures.

SUNDRY CIVIL BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes.

Mr. PENDLETON. I offer the following amendment. At the end of line 1618 to insert:

To enable the President to execute the provisions of section 1753 of the Revised Statutes for the promotion of efficiency in the different branches of the civil service, \$15,000.

Mr. DAVIS, of West Virginia. It was conceded by the committee by a decided majority that no point of order would be made on that.

Mr. TELLER. Has the committee a right to waive the question whether it is in order under the rules?

Mr. PENDLETON. This is an amendment reported from a committee, referred to the Committee on Appropriations, and after examination it was not formally agreed to there, but this morning on the floor of the Senate I consulted with a number of members of that committee and they now agree to it.

Mr. TELLER. I do not rise to raise a point of order, but it strikes me as very remarkable that the committee should raise the point of order on one Senator and not on another. Here they do not raise the point of order.

Mr. PENDLETON. It is not possible to make a point of order, for it is carrying out existing legislation.

Mr. TELLER. Then let the committee say that it is not liable to the point of order.

Mr. BECK. I know of no point of order to which it is amenable. The Committee on Appropriations did not believe it was good policy to adopt it, and therefore did not report it as an amendment, but that does not prevent its being offered by the Senator from Ohio. The committee of which he is a member adopted it and referred it to us.

Mr. TELLER. The chairman of the Appropriations Committee said it was understood no point of order should be made. That was what I wanted to call the attention of the Senate to. I do not raise any point of order.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Ohio.

The amendment was agreed to.

Mr. BOOTH. I desire to offer an amendment which is clearly and unmistakably and indisputably out of order, and it can only be justified by a sovereign necessity. It is to come in as an additional section:

That section 1 of the "act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1882, and for deficiencies, and for other purposes," approved February 26, 1881, is hereby amended by striking out the words "including arrears" where they occur in the second paragraph of the section, and the words "including arrears" in the seventh paragraph of said section.

The accounting officers of the Treasury at first decided positively that under the phraseology of that act as it now stands they could not pay the accruing pensions to the soldiers of the war of 1812 unless these words were stricken out. They held a kind of consultation of war about it and finally came to the conclusion that they might pay them, but it was a matter of very great legal doubt and difficulty. They have prepared the amendment and ask that for abundant safety it be adopted. I know it is out of order.

Mr. BECK. I will not object to the amendment.

The amendment was agreed to.

Mr. WHYTE. The Committee on the Yorktown Centennial Celebration have unanimously agreed to the necessity of the purchase of the article named in the amendment which I have the honor now to present to the Senate, and the proposition has been submitted to the Committee on Appropriations, and I ask that this amendment be adopted. At the end of line 831, page 35, I move to insert:

For the purchase of a sword, bequeathed by George Washington, in his last will, to his nephew, George Lewis, and now belonging to the heirs of said George Lewis, the purchase to be made by the Secretary of the Treasury, at a sum not exceeding \$10,000.

Mr. BECK. I make the point of order.

Mr. WHYTE. This amendment has been unanimously recommended by the Committee on the Yorktown Centennial, and it was offered two or three days ago and sent to the Committee on Appropriations.

The PRESIDING OFFICER. Does the Senator from Kentucky make the point of order.

Mr. BECK. I do.

The PRESIDING OFFICER. The Chair will decide that the amendment is not in order.

Mr. WHYTE. I ask that the Chair submit that question to the Senate.

The PRESIDING OFFICER. The Chair will submit it to the Senate if desired.

Mr. WHYTE. I request it.

The PRESIDING OFFICER. The question is, Is the amendment proposed by the Senator from Maryland in order?

Mr. WHYTE. I desire to say that the Committee on the Yorktown Centennial unanimously recommended this purchase.

Mr. CONKLING. Is this amendment reported by that committee as an amendment to this bill?

Mr. BECK. No, sir.

Mr. CONKLING. Simply offered by a Senator?

Mr. WHYTE. It was reported in a separate and distinct proposition, and, after it was offered, sent to the Committee on Appropriations.

Mr. CONKLING. And not reported by the committee?

Mr. WHYTE. No, sir.

Mr. CONKLING. I shall have to vote that it is out of order, and I shall do so with the less reluctance because the Senate having voted to build a brass house with plate-glass windows in a corn-field, I think that is enough in that particular direction for this session. Certainly believing this out of order I shall vote against it.

The PRESIDING OFFICER. Is the amendment in order? [Putting the question.] The yeas have it, and the amendment is decided not to be in order.

Mr. HARRIS. At the end of line 593, after the word "law," I move to insert:

For the erection of buildings necessary to quarantine stations at Capello Sound and purchasing barges to convey sick, and keep channel open, and maintenance of same, \$41,000.

For the erection of necessary quarantine buildings at Galveston, Texas, and purchase of vessels, and maintenance of the same, \$50,000.

For the erection of buildings necessary to quarantine station at Hampton Roads, Virginia, and maintenance of same, \$38,000.

Mr. WHYTE. How is that in order?

The PRESIDING OFFICER. Nobody has raised the question.

Mr. BECK. I raise every possible point as to that.

The PRESIDING OFFICER. The Chair will state that it has never been the habit of any presiding officer to rule an amendment offered by a Senator out of order, although he may believe it is out of order; the question is left to the committee in charge of the bill.

Mr. WHYTE. My inquiry was made of the committee.

The PRESIDING OFFICER. The Senator from Tennessee offers this amendment, and the Senator from Kentucky raises a question of order upon it.

Mr. HARRIS. I desire to state a single fact to the Chair. The amendment was reported from the Committee on Epidemic Diseases as an amendment to the sundry civil bill, and was two or three days ago—certainly more than one day—referred to the Committee on Appropriations. According to Rule 27 the Chair will not be able to rule it out of order.

Mr. DAVIS, of West Virginia. It is not objectionable on that rule; but it is general legislation. It makes an appropriation, and goes on to say a building shall be built. If it does not come under the rule that has been referred to, certainly it comes under the clause about general legislation if we are consistent with what we have been doing.

The PRESIDING OFFICER. If it is desired, the Chair will submit the question of order to the Senate.

Mr. HARRIS. I do not desire to take any time in respect to this matter. I have no objection to the Chair ruling or submitting the question to the Senate; but it is utterly impossible to put an amendment in shape under the rules that will be in order unless this is. It is the report of a committee, reported as an amendment, sent to the Committee on Appropriations, and has been in the custody of that committee for the last two or three days.

Mr. JONES, of Florida. What is the amendment?

The PRESIDING OFFICER. The amendment will be read.

Mr. McDONALD. I should like to ask the Senator from Tennessee a question for my own satisfaction. Is there any law now authorizing the erection of these buildings?

Mr. HARRIS. There is not.

Mr. McDONALD. And if they are erected they will be erected by force of this amendment?

Mr. HARRIS. There is a law in existence authorizing the National Board of Health to erect buildings of this general character, not these buildings by name. The act of June, 1879, authorized them to construct quarantine buildings wherever they may be necessary. That general statutory authority exists, but not these particular buildings by name.

Mr. JONES, of Florida. Let the amendment be read.

The Chief Clerk read the amendment proposed by Mr. HARRIS.

Mr. HARRIS. I desire to say one word as a matter of fact. There are the estimates of the Board of Health sent to the Secretary of the Treasury, and by him communicated to the two Houses of Congress; to that extent they are estimates.

Mr. DAVIS, of West Virginia. If it be not legislation what do you want the amendment for?

Mr. HARRIS. We want the money; an appropriation is what we want.

Mr. DAVIS, of West Virginia. It is both legislation and an appropriation.

Mr. HARRIS. I beg to assure the Senator from West Virginia that if he gives me the money I do not need legislation. I have abundant power to do all that is estimated for if he will give the money.

Mr. HILL, of Georgia. That shows it is not general legislation, because we only want money.

Mr. DAVIS, of West Virginia. Almost anything may be done if you have the money.

Mr. HILL, of Georgia. It is nothing but a simple appropriation; it is not general legislation.

Mr. DAVIS, of West Virginia. This is not only general legislation but it is making an additional appropriation to a very considerable extent; and if it was not out of order, in my judgment, it ought not to be done. The Committee on Appropriations examined into this health question, gave it considerable care, and they have already advanced \$50,000 over what the House appropriated for the National Board of Health.

Mr. HARRIS. I have not felt at liberty to refer to the merits of this proposition at all on the question of order; and though I do not think it proper to do so, if the Senator from West Virginia desires to debate the merits of the proposition, I am perfectly willing that we shall do that when the proper time comes. The question now is, is this amendment in order? If so, then I may have something to say in respect to the question of merit, and I can show the Senator from West Virginia that he has appropriations of millions in this bill that I think right and proper; I have no objection to them, but resting precisely upon the same principle and relating to subjects vastly less in importance than the one to which this amendment refers. I only ask for \$130,000 for an object of more intrinsic value to the people of this country than other objects for which millions of dollars are appropriated by this identical bill.

Mr. WITHERS. Mr. President, on the point of order I wish to state that the amendment offered is in my opinion distinctly within the rules of order. The twenty-seventh rule goes on to define that—

No amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill or to add a new item of appropriation—

Which this does—

unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate.

This has been moved by the order of a select committee of the Senate, and therefore it comes within the provisions of the rule. As to being legislation, it is no legislation; it is simply asking an appropriation in pursuance of legislation which already exists on your statute-book.

The PRESIDING OFFICER. The Chair will submit the question of order to the Senate. Is the amendment offered by the Senator from Tennessee in order?

The question being taken by a division, there were—ayes 20, noes 19.

Mr. DAVIS, of West Virginia, called for the yeas and nays, and they were ordered.

Mr. EATON. I only want to say one word. I think this amendment comes within every rule. I am sorry to be compelled to say so, for I shall have to vote against the amendment on its merits. That is a different thing. But here is an estimate; and it is from a committee of this body.

Mr. DAVIS, of West Virginia. Will my friend allow me? There is no estimate that I have ever seen.

Mr. EATON. It is not necessary that there should be, but I think there has been; no matter about that, it comes from a regular standing committee, and that committee sent it to the Committee on Appropriations days ago. Therefore it is brought within the rule. I shall be compelled to vote against it on its merits, but I think it is in order.

Mr. DAVIS, of West Virginia. There is a question of fact about the law now existing which empowers the board to build houses, I think perhaps the Senator from Tennessee is mistaken about; no such law has been shown to me. If there was such a law the board would not want this provision.

Mr. HILL, of Georgia. We want the money.

Mr. DAVIS, of West Virginia. I understand the money is wanted, but money has been appropriated largely, I think \$500,000 originally for this board, and if there is authority of law for this, why not do it out of the money already appropriated?

Mr. HARRIS. Will the Senator allow me to ask him if he does not know that that large sum has not been expended, only a portion of it has been expended, and without any legislative authority to expend it we cannot expend it.

Mr. DAVIS, of West Virginia. But I understand Senators to assume that there is authority. The head of this board has not the authority, and he comes here and asks it.

Mr. HARRIS. The Senator is mistaken. We had abundant authority, and did not expend it because we were not ready to spend it at that time and are now.

Mr. DAVIS, of West Virginia. The Senator asks that the Senate go on and increase the large sum already appropriated for the Board of Health. It requires legislation to carry it out, and it does come within the general rule though it has been referred to the Committee on Appropriations. It certainly comes under the rule of general legislation. He wants general legislation to make the appropriation; he wants general legislation to erect the buildings; he wants it to get the land, the site, &c. General legislation has to do all these

things. It certainly brings it under the clause as to general legislation in my judgment.

The PRESIDING OFFICER. Is the amendment in order? On this question the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. HAMPTON, (when Mr. BOOTH's name was called.) The Senator from California [Mr. BOOTH] asked me to announce that he was paired with the Senator from Tennessee, [Mr. BAILEY.]

The roll-call was concluded.

The result was announced—yeas 23, nays 14; as follows:

YEAS—23.

Baldwin,	Eaton,	Jonas,	Vance,
Brown,	Ferry,	Maxey,	Vest,
Bruce,	Garland,	Morgan,	Walker,
Burnside,	Hampton,	Paddock,	Williams,
Call,	Harris,	Platt,	Withers.
Coke,	Hill of Georgia,	Slater,	

NAYS—14.

Beck,	Logan,	Rollins,	Wallace,
Davis of W. Va.,	McDonald,	Saulsbury,	Whyte.
Farley,	McMillan,	Saunders,	
Kernan,	Pugh,	Teller,	

ABSENT—38.

Allison,	Cockrell,	Hoar,	Pendleton,
Anthony,	Conkling,	Ingalls,	Plumb,
Bailey,	Davis of Illinois,	Johnston,	Randolph,
Bayard,	Dawes,	Jones of Florida,	Ransom,
Blaine,	Edmunds,	Jones of Nevada,	Sharon,
Blair,	Groome,	Kellogg,	Thurman,
Booth,	Grover,	Kirkwood,	Voorhees,
Butler,	Hamlin,	Lamar,	Windom.
Cameron of Pa.,	Hereford,	McPherson,	
Cameron of Wis.,	Hill of Colorado,	Morrill,	

The PRESIDING OFFICER. There is not a quorum voting.

Mr. BECK. I ask for a call of the Senate.

The PRESIDING OFFICER. The roll will be called.

Mr. TELLER. What is the use of calling the roll? We know who is here.

Mr. BECK. I only desire to say that unless the bill pass to-night—

Mr. WITHERS. I raise the point of order that it is out of order to debate a motion when the roll is being called.

Mr. BECK. By unanimous consent I thought I might be allowed to make a remark.

Mr. BAYARD. By unanimous consent can I not vote on the measure the result of the vote on which has just been announced?

The PRESIDING OFFICER. It cannot be done. The roll will be called; that is the quickest way.

The Secretary proceeded to call the roll.

Mr. INGALLS. The Senator from New Hampshire [Mr. BLAIR] before leaving the Chamber a few moments since requested me to state that he was paired with the Senator from New Jersey, [Mr. RANDOLPH.]

The PRESIDING OFFICER. Fifty Senators are present. There is a quorum. The question recurs, Is the amendment of the Senator from Tennessee in order, upon which the yeas and nays have been ordered?

Mr. DAVIS, of West Virginia. The yeas and nays were called, I believe. Now, I ask would it be in order to lay the whole matter on the table so as to get rid of it?

Mr. WHYTE. The amendment is not yet before the Senate. There is a question of order whether it shall be received.

Mr. DAVIS, of West Virginia. To save time I withdraw the point of order and move to lay the amendment on the table. That will bring us to a direct vote and settle the whole matter at once.

The PRESIDING OFFICER. By unanimous consent the point of order is withdrawn, and the Senator from West Virginia moves to lay the amendment on the table.

Mr. VOORHEES. It is obvious that it is with difficulty that a quorum is continued here, and it is not strange that it should be so. I think it would be good policy and economy of time and of strength to take a recess until eight o'clock, and then come back and finish this bill.

Mr. WITHERS. I hope the Senate will not do that. If we take a recess we shall not have a quorum here to-night, and to-morrow it will be too late to pass this bill.

Mr. VOORHEES. We shall get a quorum at eight o'clock much easier than we can get one now. I thought this bill could have been finished by this time; but if it is going to keep us two or three hours more, we had better take a recess till eight o'clock and come back and finish this bill and do other business to-night. Let me ask the managers of the bill—I desire to follow the lead of the committee—if the Senator from Kentucky and the Senator from West Virginia wish us to stay here and finish the bill? And what is the purpose, then, to adjourn, or to take a recess and have a night session?

Mr. DAVIS, of West Virginia. To adjourn when we finish the bill, I hope; and to-morrow morning the committee propose to have the deficiency bill ready.

Mr. McDONALD. It is very important that we should have an executive session to-day.

Mr. BECK. I only desire to say that if we take a recess now, or fail to stay here until this bill is finished, I have no expectation of its

becoming a law at all; and those who desire to have this bill passed will stay here till it is done, because I know we shall have no quorum if we ever separate. I know in addition to that there are reasons to-night why a large number of gentlemen do not wish to come back.

Mr. VOORHEES. I will not press the motion, but I do not see how the Senator from Kentucky knows more than anybody else does how there will not be a quorum here at eight o'clock. We had a quorum last night.

Mr. WILLIAMS. I would rather stay here four hours now than go off and come back.

Mr. WALLACE. As far as I am concerned, I do not care whether the Senate continues to sit now or takes a recess now and comes back at half past eight o'clock. There are one hundred and five cases on file in executive session. We need an executive session certainly, and I trust the Senate when it finishes this bill will go into executive session to-night in order to dispose of the executive calendar. The idea that we are to finish this bill and then to adjourn seems to me to be improper and incorrect.

Mr. DAVIS, of West Virginia. I meant that so far as this bill was concerned, I was willing to adjourn when it was concluded.

Mr. MORGAN. I call for the regular order.

Mr. HARRIS. I call for the regular order, which is the motion the Senator from West Virginia has made to lay my amendment on the table; and in view of the very great pressure on the time of the Senate, I will not even appeal to the Senator from West Virginia to withdraw that motion so that I can give a brief explanation of the merits of the amendment I have offered. I am quite content to let the sense of the Senate be taken on his motion.

The PRESIDING OFFICER. The question is on the motion of the Senator from West Virginia to lay the amendment of the Senator from Tennessee on the table.

The motion was agreed to; there being on a division—ayes 28, noes 21.

Mr. BALDWIN. I desire now to offer the amendment of which I gave notice the day before yesterday. It is an amendment to come in after line 105:

Court-house, post-office, and custom-house, Detroit, Michigan: For continuation, repairs, and extension in accordance with specifications submitted by the Supervising Architect of the Treasury, and for the purchase of the necessary land contiguous to the land now owned by the United States and on which said building now stands, \$150,000.

Mr. BECK. I make the point of order; that is legislation.

Mr. BALDWIN. I do not now intend to discuss the merits of this proposition, because the point of order has been raised. I will simply say that the amendment which I offered has received the approval of the Committee on Public Buildings and Grounds and it has once passed the Senate.

Mr. BECK. There are just fifty-six new buildings pressed upon us. If this comes in, every other one of the fifty-six is as meritorious as this.

Mr. BALDWIN. If I am permitted to discuss the merits of the amendment, I am prepared to do so; but the point of order has been raised, and I simply state the facts and leave it there for the moment.

The PRESIDING OFFICER. The Senator from Kentucky makes the point of order that the amendment is not in order.

Mr. FERRY. I should like to ask the Senator from Kentucky upon what ground he raises the point of order?

Mr. JONES, of Florida. I have no right to go into the merits of the case on this motion.

The PRESIDING OFFICER. The Senator from Michigan asks the Senator from Kentucky a question.

Mr. FERRY. I understand this to have been recommended by a committee. If that is so, it is in order.

Mr. BECK. It is legislation on an appropriation bill. It may have been before us, but I do not know that it has been.

Mr. FERRY. It is not general legislation; it is special legislation. It has been recommended by a committee and passed by the Senate once. I cannot see the force of the point of order raised by the Senator from Kentucky.

Mr. JONES, of Florida. Did I understand the Senator from Michigan to say that the Committee on Public Buildings and Grounds had recommended this amendment as an amendment to the sundry civil bill?

Mr. BALDWIN. No, sir, I did not say that they recommended it as an amendment to this bill, but they have recommended precisely a similar measure.

Mr. JONES, of Florida. That is the point. The Committee on Public Buildings and Grounds did in this case, as it did in a great many others equally as meritorious, provide for the construction and the repair of buildings throughout the Union, and I can say in favor of one in my own town, which passed this body, received the sanction of my committee, and of the Senate, and that is all the indorsement this proposition has received, but as an amendment it has not received the sanction of the Committee on Public Buildings and Grounds as a distinct proposition.

The PRESIDING OFFICER. The Chair decides that this amendment is not in order, that it is clearly general legislation, as it provides for the purchase of grounds by the Government of the United States.

Mr. BALDWIN. I may be permitted to say one word in answer to what the Chair has said, that the amendment is not in order because it provides for the purchase of land. It provides for the purchase of a strip of land adjoining the present Government building, precisely as was recommended by the Committee on Public Buildings and Grounds and passed in the bill. If it is out of order for that reason, it is out of order because it is to enlarge the existing building. It is precisely in the language of the recommendation of the Committee on Public Buildings and Grounds.

The PRESIDING OFFICER. If the Senator desires the Chair—

Mr. BALDWIN. I simply make that point, because the Chair made it, in answer to what the Chair said. The Chair, as I understood him, decided this was out of order, not because it had not been recommended, but because it embraced a provision for the purchase of a strip of land.

The PRESIDING OFFICER. The Chair said it was clearly out of order on that ground, and he thought also it was out of order on other grounds which the Chair did not take the time to state, as that was a point very clear to the mind of the Chair.

Mr. MAXEY. From the Committee on Military Affairs, I offer the following amendment, to be inserted at the end of line 672:

For constructing bridge over the Pecos River, on the new military road, from Fort Clark, Texas, to Fort Davis, Texas, \$10,000.

I desire only to say that the amendment comes by direction of the Committee on Military Affairs. Their recommendation is based upon the recommendation of the Secretary of War, which I hold in my hand, upon that of the commanding officer of the Department of Texas, upon the recommendation of the quartermaster of the Department of Texas, and upon the recommendation of the Quartermaster-General. I laid these papers before the committee myself, and I learned that afterward and without my knowledge the committee rejected the amendment upon a statement made by General Sherman, I believe. I have always heretofore thought that the Quartermaster-General and the quartermasters were the men who had to do with transportation, with bridges, &c. The action of the committee was based, as I learned, upon the idea that there would be a railroad there to supersede this. It is news to every man in Texas that there will be a railroad there within any reasonable time; for any railroad now projected in Texas will miss that route by at least fifty miles. It will pass fifty miles north of it. I have a map here. In support of the recommendation of the Quartermaster-General I will state that, as is known to everybody, the Pecos River is liable to a sudden rise of fifteen, twenty, and thirty feet in a few hours; it is on the important military road leading from Fort Clark to Fort Davis in the State, and it will be an annual saving, as the Quartermaster-General has shown, of over three thousand dollars, and the appropriation is only \$10,000. The communication from the War Department is as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., February 28, 1881.

SIR: I respectfully ask your attention to a letter of the Secretary of War and accompanying papers, in relation to laying an iron bridge over the river Pecos, on the military road lately constructed or in course of construction.

This river is a great obstruction to the transfer of troops from point to point of the frontier, and a bridge is necessary to its certain or quick passage, as well as a necessary part of the new road.

The papers referred to show that the use of this road, to which the bridge is necessary, would reduce the expense of transporting supplies enough in one year to pay for the bridge.

This question was referred to the Military Committee of the House, which unanimously reported favorably and recommended to the Committee on Appropriations to include \$10,000 for this object; but to no purpose.

Most respectfully, yours,

J. E. JOHNSTON.

General S. B. MAXEY,
United States Senate.

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., October 7, 1880.

SIR: I have the honor to inclose herewith certain papers in relation to bridge over the Pecos River near its mouth.

It will be seen that the brigadier-general commanding the Department of Texas asks that Congress be requested to appropriate \$10,000, or so much thereof as may be necessary, in order to build a permanent iron bridge on the line of a new road between Fort Clark, via the mouth of the Pecos, to Fort Davis, Presidio del Norte, and cantonments at Peña Colorado, and Chinati Mountains; say saving seventy-five to one hundred and fifty miles in length of wagon haul, and that he is of opinion that the use of this road would save in one season more than \$10,000, the cost of the bridge.

A statement of the transportation by the old route and by contract trains during the year 1879-'80 is inclosed.

About seven hundred and ninety thousand pounds were hauled to Fort Davis at a cost of \$20,781.87.

Had the new route been opened, it is stated that on this hauling there would have been a saving of \$3,418.37.

Nothing was sent last year to the cantonments spoken of.

I recommend that Congress be asked to make an appropriation of \$10,000 for construction of a permanent iron bridge over the Pecos River on the new military road from Fort Clark to Fort Davis, Texas.

Very respectfully, your obedient servant,

M. C. MEIGS,
Quartermaster-General,
Brevet Major-General United States Army.

To the honorable the SECRETARY OF WAR.

HEADQUARTERS DEPARTMENT OF TEXAS,
OFFICE CHIEF QUARTERMASTER,
San Antonio, Texas, September 24, 1880.

There were transported during the fiscal year 1879-'80 by contract trains over

the road which the "new road" is intended to supplant the following military supplies, namely:

From—	Miles.	Pounds.
San Antonio to Fort Davis	466	725,867
Austin to Fort Davis	492	45,824
Fort Clark to Fort Davis	340	9,159
Total		780,850

The cost of transportation of said stores over the old road at contract rates was \$24,300.24. The cost of transportation of said stores by the "new road," if the same had been completed and practicable for use by freight trains, would have been as follows, namely:

From—	Miles.	Pounds.	Amount.
San Antonio to Fort Davis	397	725,867	\$19,163 52
Austin to Fort Davis	477	45,824	1,453 56
Clark to Fort Davis	271	9,159	165 06
Total by new road			20,781 87
Difference in favor of new road			3,418 37

No stores were transported last year by contract trains from either San Antonio, Austin, or Fort Clark to Presidio Del Norte, Peña Colorado, or Chinati Mountains.

BENJAMIN C. CARD,
Brevet Brigadier-General, Chief Quartermaster.

WAR DEPARTMENT,
Washington City, December 17, 1880.

SIR: Referring to the letter from this Department of the 15th instant, concerning the construction of a bridge across the Pecos River, in Texas, I have the honor to forward to the House of Representatives copy of a report from the Quartermaster-General, dated October 7, 1880, in which he recommends an appropriation of \$10,000 for construction of the bridge.

ALEX. RAMSEY,
Secretary of War.

To the SPEAKER
Of the House of Representatives.

WAR DEPARTMENT,
Washington City, December 15, 1880.

SIR: I have the honor to transmit to the House of Representatives copies of papers received from the Quartermaster-General, showing the necessity for a bridge for military purposes across the Pecos River, in Texas, and to respectfully recommend an appropriation of \$10,000 for the construction of the bridge, which sum has been approved by the Secretary of War.

Respectfully submitted,

H. T. CROSBY,
Chief Clerk, for and in the absence of the Secretary of War.

To the SPEAKER
Of the House of Representatives.

Mr. BECK. The Senator from Texas states very properly that the decision was arrived at by the committee in his absence. All our decisions were arrived at in the absence of the Senators who made propositions before the committee.

Mr. MAXEY. I meant by that statement that I had no knowledge of the action of the committee.

Mr. BECK. We had proposition after proposition for building bridges, building telegraph lines, and many things were urged upon us by the heads of the different Departments of the Government. General Hazen was before us, and some other officers. Among others we sent for General Sherman, who of course was well informed about this matter. He had a map, and explained it to us as well as he could, and the committee came to the conclusion after hearing him that this bridge and quite a number of others were not needed for the military service of the United States. He seemed to be very familiar with the subject. Therefore we reported against the amendment. That is all there is in it; and in order to test the sense of the Senate, I move to lay the amendment on the table.

Mr. MAXEY. I only desire to say that I place the statements of the quartermaster who has charge in Texas and the Quartermaster-General and the Secretary of War on a little appropriation of \$10,000 for a bridge which all who know anything about the country know it to be proper to construct, and that it will be missed by any railroad that may be built by fifty miles, against the verbal statements made or reported as having been made. But it is for the Senate to do as they please about it.

Mr. BECK. I move to lay the amendment on the table, and let the Senate decide it one way or the other.

The motion was agreed to.

Mr. HEREFORD. I was about to offer an amendment to come in after the word "clerk," in line 1657, but I am informed that the clause to which my amendment relates has been stricken out.

The PRESIDING OFFICER. Those lines have been stricken out, and the amendment will not be in order until the bill is reported to the Senate.

Mr. HEREFORD. I reserve the right to ask for a separate vote in the Senate on striking out the clause.

The PRESIDING OFFICER. That amendment has already been reserved by some Senator.

Mr. COKE. By direction of the Committee on Indian Affairs, after line 1424 I move to insert:

For the payment of the expenses of the Miami delegation from Indian Territory now in Washington, to be immediately available, to be deducted from the funds of said Miami Indians held in trust by the United States, \$1,500.

Mr. BECK. That is precisely similar to the amendment that we inserted from line 1425 to 1432 relating to the Peoria and other Indians. It was omitted, and it ought to be inserted in my opinion.

Mr. COKE. Do I understand that the amendment is accepted?

Mr. BECK. As far as I am concerned. The Senate can do as it likes.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas, [Mr. COKE.]

The amendment was agreed to.

Mr. COKE. I am instructed by the Committee on Indian Affairs to propose the following amendment, to be inserted in line 1416, after the word "Indian:"

The Secretary of the Interior is hereby authorized to expend so much of the fund belonging to the eastern band of Cherokee Indians arising under the act of Congress approved March 29, 1848, now to their credit on the books of the Treasury under the act of Congress approved August 15, 1876, as may be necessary to pay the expenses of such members of said band as have removed or may hereafter remove and unite with the Cherokees in the Indian Territory, as provided in the treaty of December 29, 1835, with the Cherokee Indians: *Provided*, That the amount so used shall not exceed the sum of \$53.33 for each person so removing.

One word in explanation of this amendment. It is offered by instruction from the Committee on Indian Affairs. It has been before the Committee on Appropriations. It is asked for by the Secretary of the Interior and by the Commissioner of Indian Affairs in furtherance of a well known policy of the Government of the United States to encourage the emigration of the North Carolina Cherokee Indians to the Indian Territory. The amendment is for the purpose of paying the expenses of those Indians now desirous of going West. It is an appropriation out of their own money, and I hope that the amendment will be adopted.

Mr. BECK. I desire to say that we had the letter of the Secretary of the Interior before us, and we sent for the Commissioner of Indian Affairs. He appeared before us, and we talked over this matter as fully as we could in the hurry of many other things. I think the number of Indians was stated at sixteen or eighteen, very few at any rate, and he said it was not important enough to make much difference about it one way or the other, and we discarded the amendment because it was deemed rather unimportant.

Mr. COKE. It was of sufficient importance to justify the writing of a voluminous letter from the Interior Department to the chairman of the Committee on Indian Affairs. It is at the suggestion of the Interior Department that this amendment is offered, and I hope it will be adopted.

Mr. DAVIS, of West Virginia. Do I understand the Senator, as chairman of the committee, to recommend it? Has he examined it?

Mr. COKE. I submit the amendment by instruction of the Committee on Indian Affairs.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Texas, [Mr. COKE.]

The amendment was agreed to.

Mr. BECK. It will make no difference to the Senator from Texas to insert the amendment after line 1424, so as not to separate it from the other?

Mr. COKE. Very well.

The PRESIDING OFFICER. The amendment just agreed to will be inserted after the other amendment if there be no objection.

Mr. MAXEY. I wish to offer an amendment. After line 813 I move to insert:

For construction of a two-story stone warehouse, 43 feet by 155 feet, at San Antonio arsenal, Texas, \$14,000.

For construction of a shed for artillery carriages at same arsenal, \$2,455.

For construction of one set of officers' quarters, same arsenal, \$8,000.

I desire to state that all those items are estimated for. The Chief of Ordnance says in regard to all three that they are absolutely necessary and have been so for years. His letter is as follows:

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, February 25, 1881.

DEAR SIR: The inclosed estimates for San Antonio arsenal are taken from the Book of Estimates, pages 128 and 129. Before the House sub-committee on the sundry civil bill I urged an appropriation for the erection of buildings at that arsenal to replace the old and worn-out. The last three items, for warehouse, artillery shed, and quarters, are absolutely necessary and have been so for years.

The arsenal was inspected by Colonel Benton last spring and he reported to this effect. Speaking of the wooden sheds for storage of ordnance stores, he says:

"Besides being unsafe these storehouses are not even extensive enough for the present wants of the arsenal. To meet not only the present wants but the probable future wants, these storehouses should be replaced as rapidly as possible by others larger and more substantially built."

He recommends the following new buildings: 3 storehouses, 150 feet by 40 feet; 1 artillery shed 150 feet by 35 feet; 2 new shops, (carpenter's and saddler's;) 1 set officers' quarters.

He had to recommend the removal of certain guns, carriages, &c., to relieve the storehouses, "owing to their crowded condition."

The quarters now occupied are old and in bad condition and not worth the cost to place them in proper repair. An expert examination of them showed that it would take at least \$2,000 to repair them "so that a person could live in it with safety. Such an amount could be spent every two or three years." Captain Phipps, commanding, reports "that they are old, unhealthy from dampness, and need at the present time extensive repairs. It would be wisest to build anew rather than waste money in continual repairs."

I have the honor to bring this matter to your notice. - General Ord, while here

recently, urged me to get an appropriation of not less than \$40,000 for buildings at that arsenal, and he considered new erections of great necessity, and the arsenal itself of the first importance to that frontier.

Respectfully, your obedient servant,

S. V. BENÉT,
Brigadier-General, Chief of Ordnance.

Hon. S. B. MAXEY,
United States Senate.

The estimates are as follows:

Estimates of appropriations required for the service of the fiscal year ending June 30, 1882.

[Estimated amount required for each detailed object of expenditure.]

San Antonio arsenal, San Antonio, Texas:
Construction of a two-story stone warehouse, 43 feet by 155 feet..... \$14,000 00
[NOTE.—The present storehouses are one-story wooden structures, and of insufficient capacity; two of them (built by the confederates during the war) are so rotten that they should be torn down. A commodious and fire-proof building for the storage of the valuable property kept here should be at once provided.]

Construction of a shed for artillery carriages..... 2,455 00
[NOTE.—The artillery carriages, caissons, &c., are at present parked out of doors, there being no building suitable or available for their shelter.]

Construction of one set of officers' quarters..... 8,000 00
[NOTE.—The only quarters for officers is a building built thirty years ago, originally poorly built, and of poor material. It is very much out of repair, and should be torn down and a new one built in its place. The commanding officer of this arsenal, being also chief ordnance officer of the department, should have an assistant to relieve him of the responsibility of money and property, so that he could be at liberty to make inspections at posts in the department at all times. A second set of quarters should therefore be provided.]

Mr. COKE. Mr. President, one word before the vote is taken. The buildings the amendment is proposed to construct will be needed as long as the boundaries of the United States remain as at present fixed. So long as the Rio Grande is our southern boundary, so long will buildings of this character be needed at San Antonio. They ought to be permanent and enduring; it is true economy to have them so. The buildings now there to supply which we seek an appropriation are miserable, untenable shanties. The report of the officer in charge is the evidence on which I base this allegation. This report is not controverted, indeed is admitted to be true. Why not, then, in view of the necessity for buildings of this character at San Antonio, and of the fact that we will always need the buildings estimated for, because San Antonio must continue to be Army headquarters, expend money enough at once to build proper enduring structures, such as will last and do the service we all know will be required of them in the future. I hope the amendment of my colleague will be adopted.

Mr. DAVIS, of West Virginia. I wish to ask the Senator from Texas how much did we appropriate last year?

Mr. MAXEY. I see of course the chairman of the committee does not understand the case. The headquarters of the Department of Texas is one thing. For that an appropriation has been made, and it is at least three miles from the arsenal. The arsenal and arsenal grounds furnish all the ordnance and ordnance stores for the entire Department of Texas. The Chief of Ordnance, not only in the letter I have read, but personally came to me to see about it, and I know the quarters myself. He says these three buildings are absolutely necessary to protect the arsenal, which he says is one of the best constructed arsenals in the United States; but of course I take it for granted the amendment will be voted down.

Mr. BECK. I have only to say that we sent to the heads of all the Departments and endeavored to get all the information we possibly could.

Mr. MAXEY. Here is the letter I read.

Mr. BECK. I know the letter of General Benét was read and there were statements on all sides, and we thought this of no more importance than other propositions that were urged, and did not see fit to recommend it. It is for the Senate to do what they like with it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The question being put, there were on a division—ayes 12, noes, 19; no quorum voting.

Mr. DAVIS, of West Virginia. I hope the Senator from Texas will consider that to be the sense of the Senate, and by unanimous consent let us get along with the bill.

The PRESIDING OFFICER. Does the Senator ask for a further division?

Mr. DAVIS, of West Virginia. No question is raised.

The PRESIDING OFFICER. The Chair has not announced the result of the count officially.

Mr. MAXEY. I do not ask for any further division. I took it for granted that I should get beaten when I began, because it is too good a case.

The PRESIDING OFFICER. The amendment fails.

Mr. MORGAN. At the end of line 1618 I move to add:

For printing and distributing monthly the publications by the Department of State of the consular and other commercial reports, including circular letters to chambers of commerce, \$10,000.

I desire to say in reference to this amendment that the Secretary of State was not in Washington at the time that the committee of the House had this bill under consideration. The House made an appropriation in the legislative, executive, and judicial appropriation bill

of \$7,000 for the printing of the monthly consular reports. The Senate added \$8,000 to that appropriation, making it \$15,000. Thereupon the Secretary of State on his return from New York finding that the appropriation had only gone up to \$15,000 submitted a special estimate, which was laid before the Committee on Appropriations, in which he asked for \$20,600, giving credit for the \$15,000 which he supposed would be appropriated by Congress. When the legislative, executive, and judicial appropriation bill went into conference that imperium in imperio struck out the \$8,000 and let the appropriation down to \$7,000. I move now to add \$10,000, so that the appropriation will be \$17,000, which is nearly \$4,000 short of the recommendation of the Secretary of State.

I desire to say what I suppose is known to every Senator here, that the publication monthly of the consular reports is not only a very attractive manner of giving information as to our condition abroad, but the commercial men throughout the United States are seeking with great avidity for this publication. We are the only government in the world that communicates to our mercantile community monthly reports of consuls in all the different ports of the earth, and this information coming from these consular officers at foreign ports is stimulating trade and industry of every kind and increasing our commerce more rapidly than any agency we have resorted to in very many years. It is equal to a line of ships almost running back and forth between a port of this country and foreign ports.

I therefore ask that the Senate vote this appropriation of \$10,000, which, added to the \$7,000 in the legislative, executive, and judicial appropriation bill, will make the appropriation only \$17,000, which the Secretary of State urgently recommends, because he says that he urges us to give him the money to carry on this work.

Mr. MORRILL. I hope the addition will be made. I know of no publication on the part of Congress that is so valuable as these consular reports. I believe they are printed throughout the whole country. I trust the amendment will be unanimously agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alabama, [Mr. MORGAN.]

The amendment was agreed to.

Mr. PADDOCK. After line 1230 I move to insert:

For reimbursement to persons who have taken under the homestead or other laws, by homestead settlement, purchase, or otherwise, from the United States, lands within the limits of a grant of lands made in pursuance of an act entitled "An act for a grant of lands to the State of Kansas to aid in the construction of the Northern Kansas Railroad and Telegraph," approved July 23, 1866, and to whom or to whose grantees patents therefor were issued, and against whom or whose grantees afterwards a decree has been, or shall be, recovered in the circuit court of the United States setting aside such patent on account of the priority of the grant hereinbefore recited, \$50,000, or so much thereof as shall be required: *Provided*, That when there shall be filed in any such case with the Secretary of the Interior a certified copy of such decree, together with a certificate of the judge of the court making the same, to the effect that the said decree was recovered in a bona fide controversy between a claimant as aforesaid from the United States direct and a claimant under such grant to the State of Kansas for the Northern Kansas Railroad and Telegraph, he shall adjust and make his requisition on the Treasury for the payment of the same to such original claimant or his grantee, on the basis of \$2.50 per acre for each tract the patent for which was canceled and set aside as aforesaid.

Mr. BECK. That is clearly general legislation. I make the point of order that it is new legislation.

Mr. DAVIS, of West Virginia. It is general legislation.

The PRESIDING OFFICER. The Senator from Kentucky raises the question of order that the amendment is not in order.

Mr. PADDOCK. I suppose I shall be obliged to submit, although I regret exceedingly to be compelled to do so.

The PRESIDING OFFICER. The Chair decides that the amendment is not in order. If there are no further amendments as in Committee of the Whole the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. Shall the amendments made as in Committee of the Whole be acted on separately or all together?

Mr. BECK. All together, unless there is objection.

The PRESIDING OFFICER. One amendment has been reserved. If no further amendment is reserved it will be the only one, and the question is on concurring in all the amendments made as in Committee of the Whole with that exception.

The amendments were concurred in.

The PRESIDING OFFICER. The amendment which was reserved will now be reported.

The CHIEF CLERK. The Senate, as in Committee of the Whole, struck out the following clause, from line 1657 to line 1662, inclusive:

To enable the Clerk of the House to pay to the officers and employes of the House of Representatives borne on the annual roll on the 1st day of July, 1880, one month's extra pay at the compensation then paid them by law, which sum shall be immediately available.

The PRESIDING OFFICER. The question is, Will the Senate concur in the amendment made as in Committee of the Whole, striking out the clause which has been read?

Mr. BECK. May I be allowed to say a word? The House inserted a provision to pay their employes thirteen months for twelve months' work. That is the whole of it. Many of their employes now are paid more for twelve months' work than the corresponding officers of the Senate are receiving for twelve months' work. The House has been trying for years to cut down the pay of the employes of the Senate, holding us in conference night after night to force us to do it. We have said to them, "You may do what you please at your end of the

Capitol; we will not interfere with you in increasing the pay of your employes; but we are not going to cut down the pay of our employes at your dictation." They have taken this indirect mode of increasing the pay of their employes by adding a month to the year. They refuse to regulate the pay of their own employes in such a way as they ought, but insert a provision in the sundry civil bill adding a month's pay to all their employes. Our objection is that if they are going to increase the pay of their employes they should do it directly; that they should do it in a fair way.

Mr. JONES, of Florida. Why should discrimination be made between the employes of the House and of the Senate?

Mr. BECK. It should not be, and therefore we struck out the clause.

Mr. JONES, of Florida. If there was no other objection to it than that, I should vote against it. They undertake to make provision for the employes in one end of the Capitol and leave the employes at this end out.

Mr. MORRILL. May I ask the Senator from Kentucky if he knows of any instance where an extra month's pay has been given to annual clerks or to clerks who receive a whole year's compensation?

Mr. BUTLER. It certainly has been done in the Senate.

Mr. BECK. I think we did it once, but I cannot tell exactly when—never more than once, and it never ought to have been done.

Mr. BUTLER. It was done July 1, 1879.

Mr. DAVIS, of West Virginia. And that is the only time it ever was done.

Mr. BUTLER. This provision of the bill inserted by the House, as I understand, is in pursuance of that provision of July 1, 1879. The Senator from Kentucky says that he does not desire to interfere with the House in the regulation of the salaries of its employes. If that be the case, what right have we to strike out this provision from the bill? The House sent it here to us in order that the appropriation might be made, and what right have we to strike it out, unless we determine to interfere with the House in the regulation of the pay of its employes?

Mr. DAVIS, of West Virginia. At this very session it will be recollected that the Senate added to the compensation of two messengers in the Secretary's office; but the Senate conferees, after holding out for several hours, had to give way to the House conferees, for they said, "We will not agree to it." This is a provision to pay thirteen months for whatever time the employes stay here, it may be four months, it may be five or six months. If the House employes get it, I believe that the Senate employes ought to have it. We have looked into the matter. I have asked employes of the House to show me precedents for it. There is one, and one only, from the beginning of the Government to the present time, and that was two years ago, I think, when we were in a contest, and House employes at that time were paid less than ours. Since then many officers of the House have been advanced beyond ours. This provision gives all House employes the thirteen months' pay without an exception. I believe there are men over there who ought to have it, but there are others who, in my judgment, ought not, because they receive higher salaries now than the corresponding employes of the Senate, and there is no excuse, in my judgment, for such a course. If the salaries are not large enough, let us increase them, but increase them fairly and properly.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed a bill (H. R. No. 7254) supplemental to and amendatory of an act entitled "An act to facilitate the refunding of the national debt," in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

A bill (H. R. No. 4592) to facilitate the refunding of the national debt;

A bill (H. R. No. 5088) to authorize the registration of trade-marks and protect the same;

A bill (H. R. No. 7104) making appropriations for the construction, completion, repair, and preservation of certain works on rivers and harbors, and for other purposes; and

A joint resolution (H. R. No. 402) to provide for the publication of the memorial addresses on EVARTS W. FARR.

SUPPLEMENTAL REFUNDING ACT.

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) The Chair will lay before the Senate a House bill.

The bill (H. R. No. 7254) supplemental to and amendatory of an act entitled "An act to facilitate the refunding of the national debt" was read the first time by its title.

Mr. MORRILL. I object to its reading more than once to-day.

The PRESIDING OFFICER. The bill is read the first time, and lies on the table.

SUNDRY CIVIL BILL.

The Senate resumed the consideration of the bill (H. R. No. 7203) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes, the pending question being on concurring in the amendment, made as in

Committee of the Whole, to strike out the following clause from line 1657 to line 1662:

To enable the Clerk of the House to pay to the officers and employes of the House of Representatives borne on the annual roll on the 1st day of July, 1880, one month's extra pay at the compensation then paid them by law, which sum shall be immediately available.

Mr. WALLACE. We have just as much right to vote to ourselves pay thirteen months in the year as we have to agree to this proposition. It only needs a statement of the proposition to show the principle involved, and besides here we are at the end of the session, near the 4th of March, without any extra session in prospect, and these employes will not be here until December next. This is a new thing entirely. Shall we initiate such a proposition? It needs only to be stated to be voted down.

Mr. VOORHEES. I care little about the merits of this matter, but if there is a principle involved we ought always to hunt for it. There has been always since I have been a member of Congress both in the other House and in this a constant feeling on the part of the House in regard to their employes' compensation, and it seems the Senate has the same feeling in regard to its employes.

The Senator from Florida has a feeling against the House because they undertook to regulate the pay of their own employes to suit themselves and at the same time did not say anything about our employes. It seems to me that the way to avoid trouble on the subject is for each House on this particular question to mind its own business. The House with its knowledge of its own employes can tell better what is right and proper than we can determine for them; and so we here know better how to regulate the pay of our employes than the House does, and it seems to me that the simplest way is to let each House attend to its own affairs.

Mr. DAVIS, of West Virginia. Let me say to my friend that if the House desire to put up the salaries of their employes, the Senate Committee on Appropriations have never objected; but when in this indirect way they propose to add to all salaries, high and low, we have objected. It is an unusual, an uncommon thing in every way. But outside of that I want to say to my friend that when the Senate undertakes to put up one of its employes to what it believes he ought to have, the House roll is brought up and we are told that we pay ours so much less than they pay theirs and that we ought to give up. This is an indirect way of making an addition to the salaries of the House employes.

Mr. VOORHEES. I am for regulating the action of the two Houses on proper principles. I am not arguing whether the House has done right or done wrong in regard to its employes, but I am stating what I think is the true principle of action as between the Houses.

Mr. JONES, of Florida. Permit me to ask a question of the Senator from Indiana. I appreciate the force of the argument which the Senator from Indiana is making so far as the authority of the two Houses is concerned to regulate their respective affairs; but we must remember that the House of Representatives is the body in which appropriation bills originate. A Senator says that is by custom. If my interpretation of the Constitution be correct, it is by right—and I think it is wise and proper that that should be so. This power conceded, whether by usage or by constitutional right, when they originate an appropriation bill, ought they not to include within it everything which in justice and in right and in law ought to be done, and send it for our concurrence?

Mr. VOORHEES. As far as they can.

Mr. JONES, of Florida. Why should they leave out any matter?

Mr. VOORHEES. Let me ask the Senator from Florida would it not have been rather presumptuous if the House had said that regulation affecting its employes should include the Senate employes?

Mr. JONES, of Florida. They provide the compensation for Senators. They originate bills every session in which they provide for the compensation of Senators and employes of the Senate.

Mr. VOORHEES. The Senator from Florida knows that this is not the regular appropriation; you might as well cite the case of the President of the United States. Would it not be a strange proceeding if they were to come here regulating the pay of the Senate employes?

Now, I want to ask the Senator from West Virginia a question. We strike out what they do in regard to their employes; I do not stop to consider whether they have done right or wrong, but I do not want to put blame on the House when it is unjust. Suppose the House of Representatives, looking over this whole bill, find an amendment proposed by the Senate committee, acted upon by the Senate, on page 67:

To enable the Secretary of the Senate to pay George W. Harrison additional for services as assistant clerk to the Committee on Appropriations of the Senate, \$400.

That is, \$400 additional. We do that; that is the Senator's act in reference to one of the clerks of his committee. I have no doubt it is right; I find it here.

Mr. DAVIS, of West Virginia. It was not put there by me. I am sorry the Senator has brought it in.

Mr. VOORHEES. I do not say it was. I said he is clerk of the committee, and the committee has done that. Why is the Senator sorry that I have seen fit to refer to it? I do not know that there is any impropriety in speaking of it. I do not know of anything that hedges this amendment in from discussion any more than any other amendment. I have no doubt that it is right. If the Senator from

West Virginia is sensitive on the subject I see no reason for that. I say \$400 additional is provided for this clerk, and it expressly says "additional," and it is brought here as an amendment of the Senate Committee on Appropriations. Would not the House have as much right to resent that as we to resent what they have done for their clerks? That is all I wish to say on that point.

Mr. DAVIS, of West Virginia. As to the clerk of the Committee on Appropriations, the facts are these: the salaries of the two assistant clerks of the respective Committees on Appropriations is \$1,600. By some hook or crook a year ago they got only \$1,200 each; and hence this provision in this bill.

Mr. BECK. I can explain that. They were made sixteen-hundred-dollar clerks at the extra session, but the President vetoed that bill, and therefore they did not get it. The House added theirs, and we have added ours to get clear of the reduction caused by the vetoed bill.

Mr. DAVIS, of West Virginia. One word further. I want to state to Senators the condition your committee of conference will be in provided the Senate disagrees with the committee in striking out this clause. How will it be? I believe if the House employes have an extra month's pay the Senate employes ought to have it. Suppose you disagree with the Committee on Appropriations, what will be the result? The result will be that the Senate employes cannot get it because when we go in conference you have agreed to the House proposition, and the Senate cannot do anything at all; the conferees will have no authority over our employes. But suppose somebody was to offer here now to put it upon this bill that the Senate employes should have the addition, what would be the result? The result would be that we would not have control of theirs and they would have control over ours. The only thing the Senate can do is to give them a fair chance and leave it to the committee; and so far as I am concerned—and I believe I shall be on the conference committee according to usage, and if I am I shall contend that if the House employes get the addition, the Senate employes ought to have it. That is the only way to secure equality.

Mr. HOAR. Mr. President, some years ago the House of Representatives undertook to strike out from an appropriation bill an appropriation of this character which the Senate had made for its own employes. The Senate objected to the amendment and there was a conference, and there was very earnest discussion in both branches. The Senate most strenuously insisted that the question of the compensation of its own servants was a question that must be left solely to the discretion of the Senate, and that it was a violation of legislative courtesy between the two branches for the House to undertake to meddle with them at all, and the House finally agreed to that view of it, abandoned its claim, and it was the view taken by the leading members of the House who discussed it at that time. The Senate having maintained against the original questioning of the House that opinion and that claim, the House having yielded to it, it would be doubly improper for us to undertake now to meddle with the House of Representatives in the exercise of its discretion.

The Senator from West Virginia says that if the House assigns to its employes a month's extra pay, or raises their pay, the Senate employes will have the same right. That is a matter which has no connection with or relation to this question.

Mr. DAVIS, of West Virginia. Is it not justice to do it?

Mr. HOAR. I have the floor, I believe. It is a question which has no relation to our action with reference to this House provision. We may cut the employment of our servants down; we may raise it; we may give them extra pay or we may give them half pay, and we shall do that in accordance with our sense of the value of their services to the public interest and the interest of this body, without considering what the House of Representatives pay their employes, any more than we should consider what is paid to its employes by the Legislature of the State of Maryland. That is the only attitude we ought to occupy upon this question. Whether our employes will be dissatisfied at getting less than the House pays, or whether the House employes will be dissatisfied if we pay more, is a question which does not enter into this consideration at all.

If the House of Representatives think fit to make a certain compensation to its officers, we owe it to them to take that proposition without question. I do not mean that if the House should go into an extravagant course of expenditure on that subject; but it is not to be considered or supposed for a moment that the House will do that. Respect for that body requires us to assume as a matter of course that they know what ought to be done. Their judgment is final. That, as I say again, is the attitude which the Senate maintained against the House and which the House yielded to five or six years ago.

Mr. HEREFORD. I agree with what the Senator from Massachusetts has so well said, that the House of Representatives has a right, within the bounds of reason, to fix the pay and salary of their own employes. That is conceded by my colleague, the chairman of the Committee on Appropriations. The only ground of objection he has is the manner in which they attempt to do it. If they have a right to say what their employes shall be paid, they also have an equal right to say in what manner they shall get at that. They propose to get at it in this way: they propose to give their employes one additional month's pay, and, as the Senator from Massachusetts has said, as a matter of courtesy, we ought to yield that to them, and I do yield it to them.

Now, my colleague, the chairman of the Committee on Appropriations, has said leave this to the conference committee. He says if you take the House bill as it came to us we are in their power; but, he says, leave it to the committee, and if they get that in, then we on the committee of conference will bring the Senate employes up to the same standard. That he cannot do, because a committee of conference has no jurisdiction except over the matters in dispute between the two Houses, and if there is no matter in dispute in regard to the Senate employes the committee of conference have no power over them. They have no right in a committee of conference to insert a new item in a bill. There is no amendment proposed by the Committee on Appropriations proposing to change the pay of the Senate employes, and the committee of conference would not have that matter before them at all.

Mr. JONES, of Florida. I think there has been a little confusion thrown around this subject by the very ingenious statement made by the Senator from Massachusetts. I do not concur in the view expressed by that Senator that this amendment proposes to fix the salaries of the officers of the House. If it were a question relating to the fixing of the salaries of the officers of that body, I would agree to everything that he said; but it is not that kind of a question. The salaries of the officers of the House are already fixed; the salaries of the officers and employes of the Senate are fixed. The House here comes to deal with the subject of a bounty, for it is nothing but a bounty; it is a bounty for no consideration, because the law has already prescribed the rate of pay of these men—

Mr. MORRILL. Allow me. It is a bounty of thirteen months' wages for the services of three.

Mr. JONES, of Florida. That may be.

Mr. MORRILL. It is setting a very bad precedent.

Mr. JONES, of Florida. But I say it is not fixing the pay of these officers, as was argued by the Senator from Massachusetts with so much plausibility. The appropriating body at the other end of the Capitol—and I know the rule stands which prevents me from alluding to it, but I cannot see how I can avoid doing so at this time—when it came to originate this appropriation bill thought proper to give a bounty to its own officers outside of their regular pay, and having control of the whole subject of extending it to the employes of the Senate, they manifested no disposition to extend the same rights to the employes here. It is not a question of the fixing of salaries. If that was the question I should say at once I would not draw in question the right of the House of Representatives to fix the pay of its own employes; but I say their pay is already fixed. When, however, that House undertakes to deal in bounties and exercise the power of disposing of the people's money in that way, common justice requires that they should extend the same bounty to the employes of the Senate that they extended to their own.

Mr. HEREFORD. I rise to a question of order. Will it be in order before the Senate acts upon the proposition made by the committee to strike out the lines indicated, to offer an amendment to that, so as to perfect the text?

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) It is always in order to perfect the text proposed to be stricken out before the question is taken on striking out.

Mr. HEREFORD. Then, in order to perfect it, I offer this amendment—

Mr. MORGAN. Will the honorable Senator from West Virginia allow me to ask for a reading at length of the supplemental funding bill that has just come from the House of Representatives?

The PRESIDING OFFICER. The Senator from Alabama demands the reading at length of a House bill.

Mr. MORGAN. I waive that for the present.

Mr. HEREFORD. Go on and read my amendment.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. In line 1657, before the word "clerk," it is proposed to insert "Secretary of the Senate and the," and in line 1658, before the word "House," to insert "Senate and;" so that the clause shall read:

To enable the Secretary of the Senate and the Clerk of the House to pay to the officers and employes of the Senate and House of Representatives borne on the annual roll on the 1st day of July, 1880, one month's extra pay at the compensation then paid them by law, which sum shall be immediately available.

Mr. BECK. I move to lay that amendment on the table.

Mr. HEREFORD. Will the Senator hear me one minute?

Mr. BECK. We have been here hours now. Will the Senator renew the motion?

Mr. HEREFORD. Certainly.

The PRESIDING OFFICER. The Chair would hold the Senator from West Virginia is entitled to the floor for the present.

Mr. HEREFORD. If my amendment is adopted, then what my colleague, the chairman of the Committee on Appropriations, seeks to accomplish in committee of conference can be accomplished. Then our conferees can say to the House, "We will not agree to increase the pay of your clerks unless you yield the same thing to us." If we wish any power over the committee of conference on the part of the House, we have it in this way, and I hope the Senate will adopt this amendment of mine to put the employes of the Senate and House upon an equal footing.

Mr. DAVIS, of West Virginia. I think my colleague aims at the same thing I do, but I think we shall miss it if we add his amend-

ment and agree to the House proposition. What is the result? The House provision has been agreed to and not ours, and therefore we cannot affect the House proposition, and they can strike out ours.

Mr. BECK. I move to lay the amendment on the table.

The motion was agreed to.

The PRESIDING OFFICER. The question is on the amendment reported by the Committee on Appropriations to strike out the clause.

The question being put, there were on a division—ayes 20, noes 15.

The PRESIDING OFFICER. There is no quorum voting.

Mr. BUTLER. It seems to me the best way to get at a result is to have the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on concurring in the amendment to strike out lines 1657 to 1662.

Mr. DAVIS, of West Virginia. If the Senate will agree with the committee to strike this clause out, then my colleague may get the conferees to add his amendment. That will give the committee of conference jurisdiction over the whole. Otherwise it cannot be done.

The question being taken by yeas and nays, resulted—yeas 26, nays 21; as follows:

YEAS—26.

Anthony,	Eaton,	McDonald,	Saulsbury,
Bayard,	Groome,	McMillan,	Slater,
Beck,	Harris,	McPherson,	Teller,
Brown,	Hill of Colorado,	Morrill,	Wallace,
Burnside,	Hill of Georgia,	Platt,	Withers.
Conkling,	Kernan,	Plumb,	
Davis of W. Va.,	Kirkwood,	Rollins,	

NAYS—21.

Blair,	Hampton,	Maxey,	Voorhees,
Bruce,	Hereford,	Morgan,	Walker,
Butler,	Hoar,	Pendleton,	Williams.
Call,	Ingalls,	Pugh,	
Coke,	Jonas,	Ransom,	
Garland,	Lamar,	Vance,	

ABSENT—28.

Allison,	Cockrell,	Hamlin,	Randolph,
Bailey,	Davis of Illinois,	Johnston,	Saunders,
Baldwin,	Dawes,	Jones of Florida,	Sharon,
Blaine,	Edmunds,	Jones of Nevada,	Thurman,
Booth,	Farley,	Kellogg,	Vest,
Cameron of Pa.,	Ferry,	Logan,	Whyte,
Cameron of Wis.,	Grover,	Paddock,	Windom.

So the amendment was concurred in.

Mr. HEREFORD. I now offer an amendment to come in immediately after line 1656:

To enable the Secretary of the Senate to pay the officers and employees of the Senate borne on the annual roll on the 1st day of July, 1880, one month's extra pay at the compensation then paid them by law, which sum shall be immediately available.

Mr. BECK. I move to lay that on the table.

The motion was agreed to.

Mr. PLUMB. There is a verbal amendment which should be made on page 53. In line 1287 the word "connection" should be "correction."

Mr. BECK. That ought to be "correction."

The PRESIDING OFFICER. (Mr. HARRIS in the chair.) Without objection, that amendment will be made.

The amendments were ordered to be engrossed and the bill to be read a third time.

Mr. WALKER. I am instructed by the Committee on Indian Affairs to offer an amendment. The amendment is a bill passed by the Senate to reimburse the Creek orphan fund.

The PRESIDING OFFICER. The Chair will state to the Senator from Arkansas that no amendment is now in order unless by reconsidering the vote ordering the bill to be read a third time.

Mr. WALKER. I make that motion.

The PRESIDING OFFICER. The Senator from Arkansas moves to reconsider the vote ordering the bill to a third reading.

Mr. McDONALD. I think the amendment had better be reported for information.

The PRESIDING OFFICER. The Senator from Arkansas will send up his amendment to be read by the Clerk.

Mr. KERNAN. The Senator from Arkansas was on his feet, and was not heard by the Chair, before the bill was ordered to a third reading.

The CHIEF CLERK. On page 26, after line 629, the proposed amendment is to insert:

That the sum of \$251,055.97 be, with 5 per cent. interest on \$176,755.97 from April 6, 1872, and the same is hereby appropriated, for the purpose of reimbursing the Creek orphan fund, which sum has been diverted from the said fund and is due to the Creek orphans and their heirs, under the treaty of March 24, 1832: *Provided*, Said sum shall, in the discretion of the President, be paid to the Creek orphans and their heirs under the direction of the Secretary of the Interior: *Provided further*, It shall be the duty of the Secretary of the Interior to ascertain who are entitled under the aforesaid treaty of March 24, 1832, and the provisions of this act, to receive the money hereby appropriated; and it shall be his duty to see that said moneys shall be paid to the actual beneficiaries under said law, the orphans and their heirs, to the exclusion of all claims by attorneys for fees, except such reasonable attorneys' fees as shall be approved by the Secretary of the Interior after the passage of this act: *Provided further*, That all bonds heretofore purchased with moneys belonging to this fund shall be the property of the United States: *Provided further*, That the Secretary of the Interior is hereby authorized and instructed to charge the sum of \$69,956.68 used for general purposes of the Creek Nation against

the general fund of said nation, and said sum shall be retained by the secretary of the nation in such installments as shall not seriously embarrass the object of the annual appropriations for the support and necessities of the Creek Nation.

The PRESIDING OFFICER. Will the Senate reconsider the vote by which the bill was ordered to a third reading?

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The Senator from Arkansas [Mr. WALKER] now offers the amendment which has just been reported.

Mr. WALKER. Just one word, Mr. President. The claim upon which this amendment is founded has been twice favorably passed upon by the Interior Department, twice by the Department of Justice, and at the present session a bill identical with the amendment has passed by this body. There is no certainty of its being reached in the House, and I do hope the amendment will be adopted.

Mr. DAVIS, of West Virginia. It is clearly out of order. It is general legislation, if we ever had such. I do not know but what it has great merit; I will say nothing about the merits of it. The Senate has discussed it half a dozen times, I believe, in different forms; but it is general legislation, and I make the point of order.

The PRESIDING OFFICER. The Chair is of opinion that the amendment is general legislation, and is therefore not in order, but will submit the question to the Senate if the Senator from Arkansas or other Senators desire that it shall be so submitted.

Mr. WALKER. I desire the question to be submitted to the Senate.

The PRESIDING OFFICER. The Chair submits the question to the Senate, "Is the amendment proposed by the Senator from Arkansas in order?"

The question being put, was decided in the negative.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

FRANKLIN TRAVIS.

Mr. KERNAN. I move that the Senate proceed to the consideration of executive business.

Mr. BAILEY. I trust the Senator will withdraw that for a moment.

Mr. KERNAN. Certainly.

Mr. BAILEY. There is a bill on the Calendar which has been passed by the House of Representatives and has received the unanimous approval of the Committee on Finance of the Senate, and I ask that it may be considered. It will take but a moment.

There being no objection, the bill (H. R. No. 688) for the relief of the sureties of Franklin Travis was considered as in Committee of the Whole.

Mr. INGALLS. Is there a report? If there is, I should like to hear it read.

The PRESIDING OFFICER. The Clerk informs the Chair there is no written report from the Senate committee, but there is a House report adopted by the Senate committee.

Mr. INGALLS. Let us hear that.

Mr. VOORHEES. The House report was adopted as the report of the Finance Committee of the Senate, and it is based on a recommendation of the Secretary of the Treasury, Mr. Sherman.

The PRESIDING OFFICER. Does the Senator from Kansas desire the report to be read?

Mr. VOORHEES. It is somewhat lengthy, and the bill is recommended by the Secretary of the Treasury and the Treasury officials are for it.

Mr. INGALLS. Here is a bill that proposes to release the sureties upon somebody's official bond without stating the circumstances or the amount affected or whether the measure has received the approbation of the officers of the Treasury Department.

Mr. VOORHEES. I have stated that fact.

Mr. INGALLS. We certainly ought to know something about that before we are called upon to vote on it.

Mr. BAILEY. There is a letter from the Secretary of the Treasury approving the passage of the bill and I ask the Secretary to read it.

The PRESIDING OFFICER. The Secretary will read the letter from the Secretary of the Treasury.

The Chief Clerk read as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., March 1, 1881.

SIR: Upon further examination of the bill (H. R. No. 688) in connection with the report of the Committee on Ways and Means thereon, I wish so far to modify my letter of the 23d ultimo to you as to recommend the striking out of the recitals of the bill, leaving it to stand upon the facts presented in said report. The objection to the passage of the bill that impressed me was the effect of these recitals upon other cases. Without the recitals and upon the equities stated in the report the Department can see no reason why the bill should not pass.

Very respectfully,

JOHN SHERMAN,
Secretary.

Hon. THOMAS F. BAYARD,
Chairman Committee on Finance, United States Senate.

Mr. INGALLS. I have no objection.

Mr. HOAR. Are the recitals referred to stricken out?

The PRESIDING OFFICER. The Committee on Finance recommended an amendment striking them out. They are in the preamble, which has not been reached yet.

The bill was reported to the Senate without amendment and ordered to a third reading.

Mr. HOAR. Is the preamble stricken out?

Mr. VOORHEES. I wish to say to the Senator from Massachusetts that I reported the bill and reported it in exact accordance with the recommendation of the Secretary of the Treasury. The recitals are stricken out. The amendment is to strike out all the recitals.

Mr. HOAR. I have not heard any such question stated.

The PRESIDING OFFICER. The Chair will inform the Senator from Massachusetts that the recitals referred to by the letter of the Secretary of the Treasury are in the preamble. That will be considered after the bill has been acted upon.

The bill was read the third time, and passed.

The preamble was read, as follows:

Whereas on the 9th day of May, 1867, Joseph W. McCall, Young W. Allen, Wilburn H. Graves, Eli T. McGill, Priestly E. Parker, Henry McCall, and Jasper Ballew became the sureties of Franklin Travis, on his bond, executed on that day, as deputy collector of taxes, under an act entitled "An act to provide internal revenue to support the Government," &c.; and

Whereas said bond was conditioned that the said Travis would execute and discharge the duties of deputy collector according to law, and the act of June 30, 1864, as amended by the act of March 1, 1865, was the law when the bond was executed; and

Whereas, by the law at the time said sureties executed said bond, they could only be liable for the amount of certain lists returned by assessors appointed for that purpose, and under the provisions of the act of July 13, 1866, with two months' supply of stamps denoting the tax on fermented liquors; and

Whereas by an act of Congress approved July 20, 1868, the said collector was required to keep constantly on hand a large amount of stamps, and by said act his pay was changed, and the collector converted from a simple collector of assessed taxes into a public depositary of the public funds and valuables the property of the United States, and the manner of collecting and paying over changed without the consent of the sureties, and the sureties deprived of the opportunity of knowing the amount for which they were liable, he being charged with the amount of stamps deposited with him, and the risk of the sureties greatly increased without their consent; and

Whereas the said Franklin Travis fully and faithfully kept and performed all the conditions of his said bond, executed on the 9th day of May, 1867, until after the passage of the act of July 20, 1868, and then made default to about the amount of twenty-nine thousand dollars, which liability was incurred on account of stamps which could not have come into his hands under any law existing at the time said bond was executed; and it would be contrary to the principles of justice that the sureties should be held liable for the amount of said default: Therefore.

The PRESIDING OFFICER. The Committee on Finance propose to amend by striking out the preamble.

The amendment was agreed to.

ORDER OF BUSINESS.

Mr. ROLLINS. Mr. President—

Mr. KERNAN. I believe I yielded the floor to the Senator from Tennessee.

Mr. ROLLINS. I am recognized.

Mr. KERNAN. I yielded on condition to my friend.

The PRESIDING OFFICER. The Chair understood the Senator from New York as yielding the floor.

Mr. ROLLINS. The Chair will allow me to state what I wish to accomplish.

The PRESIDING OFFICER. The Senator from New Hampshire has the floor.

Mr. ROLLINS. Last evening when we were considering House bills a bill was passed over on account of an objection of the Senator from Pennsylvania, [Mr. CAMERON,] a bill of considerable importance, to enable the Metropolitan Railroad—

Mr. KERNAN. What is the question before the Senate?

Mr. ROLLINS. I have the floor, I believe, and I do not wish to be taken off my feet in this way. I do not get on it often, and I want to stand on it when I do get on it. I want the Senate to take up for consideration the bill (H. R. No. 7031) to amend the charter of the Metropolitan Railroad Company of the District of Columbia.

Mr. KERNAN. Pending that I move that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The Senator from New York moves that the Senate proceed to the consideration of executive business.

Mr. ROLLINS. Who objects?

The PRESIDING OFFICER. The Chair will state to the Senator from New Hampshire that the motion of the Senator from New York is in order, notwithstanding the request or motion submitted by the Senator from New Hampshire, and hence the Chair entertained it.

Mr. ROLLINS. Very well.

Mr. CONKLING. Mr. President, I wish to have the attention of my colleague for a moment. I understand him to move an executive session. I wish to say to him that for a reason which I need not state (he probably is aware of it) a good many Senators on this side are absent this evening for a social reason. There will be no objection to an executive session to-morrow or next day, but I submit that at this hour of the evening and on this particular evening when more than half the republican Senators have ventured to go away, if the purpose is to take up contested cases in executive session my colleague would scarcely select this time to make that motion. I will aid him, for one, in getting an executive session at any time when the Senate is full; but now at eight o'clock, with the condition which he sees to exist on this side, I take it he does not make his motion for the purpose of considering contested cases.

Mr. KERNAN. I would be very glad to accommodate every one. I would be very glad myself to go away this evening; but gentlemen around me think we ought to have an executive session and that I should insist on the motion.

Mr. WALLACE. There are one hundred and five cases on the Executive Calendar.

Mr. CONKLING. I regret to call my friend from Pennsylvania to order, but I do so. This is the second time that to-day in open session he has made that statement touching executive business. I need only to remind him of the rule and I do not think he will repeat the statement.

Mr. WALLACE. If that be secret I am wrong. I had no thought that any such statement as that was secret. We have persistently endeavored to get an executive session during all this week, and we have failed. Now, again we come to the Senate and ask that we have an executive session for the consideration of the business of the Senate, and it is to be postponed until to-morrow or the next day. I trust Senators will give us an executive session for half an hour this evening, and then Senators can go where they wish.

The PRESIDING OFFICER. The question is on the motion of the Senator from New York, [Mr. KERNAN,] that the Senate proceed to the consideration of executive business.

Mr. TELLER. I move that the Senate adjourn.

The PRESIDING OFFICER. The Senator from Colorado moves that the Senate do now adjourn.

Mr. KERNAN called for the yeas and nays, and they were ordered, and the roll was called.

Mr. ANTHONY, (after having voted in the affirmative.) I notice that this vote has taken a party shape. I am paired with the Senator from Ohio, [Mr. THURMAN,] and I ask to withdraw my vote.

The PRESIDING OFFICER. The Chair desires to state that the Senator from Tennessee [Mr. HARRIS] is paired with the Senator from Wisconsin [Mr. CAMERON] on political questions. The Senator from Tennessee is reminded that this is a political question; therefore the Senator from Tennessee withdraws his vote.

Mr. McMILLAN. Allow me to say that the Senator from Rhode Island [Mr. ANTHONY] has already withdrawn his vote, he being paired with a member of the Senate upon political questions.

Mr. PADDOCK. I do not see how it can possibly be a political question.

The result was announced—yeas 19, nays 29; as follows:

YEAS—19.

Allison,	Cameron of Pa.,	Ingalls,	Paddock,
Baldwin,	Conkling,	Logan,	Platt,
Blair,	Ferry,	McDonald,	Rollins,
Booth,	Hereford,	McMillan,	Teller.
Bruce,	Hoar,	Morrill,	

NAYS—29.

Bailey,	Farley,	Maxey,	Vance,
Bayard,	Garland,	Morgan,	Walker,
Beck,	Groome,	Pendleton,	Wallace,
Brown,	Hampton,	Pugh,	Williams,
Call,	Hill of Georgia,	Randolph,	Withers.
Coke,	Jonas,	Ransom,	
Davis of W. Va.,	Kernan,	Saulsbury,	
Eaton,	Lamar,	Slater,	

ABSENT—27.

Anthony,	Dawes,	Jones of Florida,	Sharon,
Blaine,	Edmunds,	Jones of Nevada,	Thurman,
Burnside,	Grover,	Kellogg,	Vest,
Butler,	Hamlin,	Kirkwood,	Voorhees,
Cameron of Wis.,	Harris,	McPherson,	Whyte,
Cockrell,	Hill of Colorado,	Plumb,	Windom.
Davis of Illinois,	Johnston,	Saunders,	

So the Senate refused to adjourn.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from New York, [Mr. KERNAN,] that the Senate proceed to the consideration of executive business.

Mr. TELLER called for the yeas and nays; and they were ordered and taken.

Mr. ALLISON, (after having voted in the negative.) I am paired on political questions with the Senator from Maryland, [Mr. WHYTE,] and withdraw my vote.

Mr. PADDOCK. I desire to state that on political questions I am paired with the Senator from Virginia, [Mr. JOHNSTON.] If this is a political question, I refrain from voting on that assumption.

The result was announced—yeas 27, nays 5; as follows:

YEAS—27.

Bailey,	Eaton,	Kernan,	Saulsbury,
Bayard,	Farley,	Lamar,	Slater,
Beck,	Garland,	Morgan,	Vance,
Brown,	Groome,	Pendleton,	Wallace,
Call,	Hampton,	Pugh,	Williams,
Cockrell,	Hill of Georgia,	Randolph,	Withers.
Davis of W. Va.,	Jonas,	Ransom,	

NAYS—5.

Booth,	McDonald,	Morrill,	Walker.
Hereford,			

ABSENT—43.

Allison,	Conkling,	Johnston,	Plumb,
Anthony,	Davis of Illinois,	Jones of Florida,	Rollins,
Baldwin,	Dawes,	Jones of Nevada,	Saunders,
Blaine,	Edmunds,	Kellogg,	Sharon,
Blair,	Ferry,	Kirkwood,	Teller,
Bruce,	Grover,	Logan,	Thurman,
Burnside,	Hamlin,	McMillan,	Vest,
Butler,	Harris,	McPherson,	Voorhees,
Cameron of Pa.,	Hill of Colorado,	Maxey,	Whyte,
Cameron of Wis.,	Hoar,	Paddock,	Windom.
Coke,	Ingalls,	Platt,	

The PRESIDING OFFICER. No quorum has voted.

Mr. ROLLINS. I move that the Senate adjourn.

The PRESIDING OFFICER. The Senator from New Hampshire moves that the Senate do now adjourn.

Mr. ROLLINS. I call for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. BAILEY. I wish to announce that my colleague [Mr. HARRIS] is paired on all political questions with the Senator from Wisconsin, [Mr. CAMERON,] and as this seems to be a question of political tactics whether there shall be an executive session, and all questions arising therefrom, I announce the pair.

The result was announced—yeas 6, nays 30; as follows:

YEAS—6.			
Booth, Hill of Colorado,	McMillan, McPherson,	Morrill,	Thurman.
NAYS—30.			
Bailey, Bayard, Beck, Brown, Call, Cockrell, Coke, Davis of W. Va.,	Eaton, Farley, Groome, Hampton, Hereford, Hill of Georgia, Jonas, Kernan,	Lamar, McDonald, Maxey, Morgan, Pugh, Randolph, Ransom, Saulsbury.	Slater, Vance, Walker, Wallace, Williams, Withers.

ABSENT—30.			
Allison, Anthony, Baldwin, Blaine, Blair, Bruce, Burnside, Butler, Cameron of Pa., Cameron of Wis.,	Conkling, Davis of Illinois, Dawes, Edmunds, Ferry, Garland, Grover, Hamlin, Harris, Hoar,	Ingalls, Johnston, Jones of Florida, Jones of Nevada, Kellogg, Kirkwood, Logan, Paddock, Pendleton, Platt,	Plumb, Rollins, Saunders, Sharon, Teller, Vest, Voorhees, Whyte, Windom.

Mr. CONKLING. I rise to a question of order, Mr. President.

The PRESIDING OFFICER. The Senator from New York will state his point of order.

Mr. CONKLING. Is this an announcement of the vote on the motion to adjourn merely? I was diverted for a moment. Did the Chair announce the result of the motion to adjourn?

The PRESIDING OFFICER. The Chair announced yeas 6, nays 30; no quorum voting. The yeas have it, and the Senate refuses to adjourn.

Mr. CONKLING. That was the only point I wanted to make, that it should appear that no quorum voted.

Mr. WALLACE. I move a call of the Senate.

Mr. CONKLING. On that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. HOAR. Is not that done as of course without any vote to do it, under the rule?

The PRESIDING OFFICER. The Chair will state that the Chair was in error in starting to put it as a question. It is the duty of the Chair to order a call of the roll. The Clerk will call the roll of the Senate.

The roll was called.

The PRESIDING OFFICER. The roll-call discloses the presence of thirty-four Senators, no quorum answering.

Mr. EATON. I do not know, sir, when a majority of the Senate—

Mr. INGALLS. I rise to a question of order.

Mr. EATON. Wait one moment.

Mr. INGALLS. No, sir, I will not wait one moment.

Mr. EATON. I wish you would.

Mr. INGALLS. I rise to a question of order.

The PRESIDING OFFICER. The Senator from Kansas will state his question of order.

Mr. INGALLS. That when it is ascertained that a quorum is not present no further debate can be had upon any question.

Mr. EATON. I have not yet debated any question.

The PRESIDING OFFICER. The point of order is overruled, because the Chair is wholly unable to determine the object of the Senator from Connecticut, and he has a right to state—

Mr. EATON. I have the floor.

Mr. INGALLS. It makes no difference what his object is.

The PRESIDING OFFICER. The Senator from Kansas is out of order; the Senator from Connecticut is entitled to the floor.

Mr. EATON. I was about to observe (and if my friend from Kansas had waited one moment he would have saved his powder) that when this Senate, a majority of which are democratic, do not choose to be here to attend to business, I see no reason why I should remain, and therefore I move that we adjourn.

The PRESIDING OFFICER. The question is on the motion of the Senator from Connecticut, that the Senate adjourn.

Mr. BAILEY called for the yeas and nays, and they were ordered.

The question being taken by yeas and nays, resulted—yeas 11, nays 30; as follows:

YEAS—11.			
Allison, Baldwin, Blair,	Bruce, Eaton, Ferry,	McDonald, McMillan, Morrill,	Rollins, Thurman.
NAYS—30.			
Bailey, Bayard, Beck,	Brown, Call, Cockrell,	Coke, Davis of W. Va., Farley,	Garland, Groome, Hampton,

Hereford,
Hill of Georgia,
Jonas,
Kernan,
McPherson,

Maxey,
Morgan,
Pendleton,
Pugh,
Randolph,

Ransom,
Saulsbury,
Slater,
Vance,
Walker,

Wallace,
Williams,
Withers.

ABSENT—34.

Anthony,
Blaine,
Booth,
Burnside,
Butler,
Cameron of Pa.,
Cameron of Wis.,
Conkling,
Davis of Illinois,

Dawes,
Edmunds,
Grover,
Hamlin,
Harris,
Hill of Colorado,
Hoar,
Ingalls,
Johnston,

Jones of Florida,
Jones of Nevada,
Kellogg,
Kirkwood,
Lamar,
Logan,
Paddock,
Platt,
Plumb,

Saunders,
Sharon,
Teller,
Vest,
Voorhees,
Whyte,
Windom.

So the Senate refused to adjourn.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from New York, [Mr. KERNAN,] that the Senate proceed to the consideration of executive business.

Mr. CONKLING. What is the motion, Mr. President?

The PRESIDING OFFICER. The yeas and nays have been previously ordered upon the motion of the Senator from New York, [Mr. KERNAN,] that the Senate proceed to the consideration of executive business.

Mr. CONKLING. And is the Chair about to have the roll called upon that?

The PRESIDING OFFICER. That was the purpose of the Chair.

Mr. CONKLING. I humbly submit to the Chair that the rule requires another thing. It requires, when it has been disclosed that a quorum is not here, that the roll shall be called, as it has been, and then provides what may take place.

The PRESIDING OFFICER. The roll-call develops the fact that there are eleven Senators voting in the affirmative and thirty in the negative, which makes forty-one, and shows that a quorum is present. The question is upon the motion of the Senator from New York, [Mr. KERNAN,] that the Senate proceed to the consideration of executive business, upon which the yeas and nays have been ordered.

The roll was called.

Mr. WALLACE. I desire the reading of Rule 16.

The PRESIDING OFFICER. The Senator from Pennsylvania calls for the reading of Rule 16.

Mr. CONKLING. I rise to a question of order.

The PRESIDING OFFICER. The Senator from New York will state his question of order.

Mr. CONKLING. The Senate is dividing, and nothing is in order except to announce the vote.

The PRESIDING OFFICER. The Chair thinks the point of order is well taken by the Senator from New York.

Mr. DAVIS, of West Virginia. I think that the rule requires—

Mr. CONKLING. I call the Senator from West Virginia to order, on the ground that the Senate is dividing, and nothing is in order except to declare the vote.

The result was announced—yeas 30, nays 2; as follows:

YEAS—30.			
Bailey, Bayard, Beck, Brown, Call, Cockrell, Coke, Davis of W. Va.,	Eaton, Farley, Garland, Hampton, Hill of Georgia, Jonas, Kernan, McDonald,	McPherson, Maxey, Morgan, Pendleton, Pugh, Randolph, Ransom, Saulsbury,	Slater, Vance, Walker, Wallace, Williams, Withers.

NAYS—2.	
Hereford,	Thurman.

ABSENT—43.			
Allison, Anthony, Baldwin, Blaine, Blair, Booth, Bruce, Burnside, Butler, Cameron of Pa., Cameron of Wis.,	Conkling, Davis of Illinois, Dawes, Edmunds, Ferry, Groome, Grover, Hamlin, Harris, Hill of Colorado, Hoar,	Ingalls, Johnston, Jones of Florida, Jones of Nevada, Kellogg, Kirkwood, Lamar, Logan, McMillan, Morrill, Paddock,	Platt, Plumb, Rollins, Saunders, Sharon, Teller, Vest, Voorhees, Whyte, Windom.

The PRESIDING OFFICER. No quorum has voted.

Mr. WALLACE. It being manifest that the Senate, although full, is not willing to go into executive session, I desire to have Rule 16 read as a part of what I have to say on the subject—

Mr. CONKLING. I rise to a question of order.

The PRESIDING OFFICER. The Senator from New York will state his question of order.

Mr. CONKLING. My point of order is that under a rule of the Senate, Rule 2, nothing whatever is in order save only one thing, namely, a call of the roll of Senators to see whether a quorum be here.

Mr. WALLACE. I rose for the purpose of making a motion, and preparatory to making the motion I desired to call the attention of the Chair and of the Senate to Rule 16—

Mr. CONKLING. I call the Senator to order. Debate is not in order. Nothing is in order but a call of the Senate or a motion to adjourn.

The PRESIDING OFFICER. The Chair will state to the Senator from New York, not knowing the object of the Senator from Penn-

sylvania as to what motion he proposes to make, and in the opinion of the present occupant of the chair there being at least two motions, either one of which it would be competent for him to make, the Chair decides to hear the Senator from Pennsylvania, to ascertain what his object is.

Mr. CONKLING. That is quite right, no doubt.

Mr. WALLACE. As I said, it is manifest that we cannot obtain an executive session to-night, because gentlemen are here and decline to vote—

Mr. CONKLING. That is out of order.

Mr. WALLACE. In the condition of public business—

Mr. CONKLING. The Senator is proceeding out of order.

Mr. WALLACE. I now move (because the condition of public business requires the members of the Committee on Appropriations in their committee-room to complete the consideration of the deficiency bill) that the Senate do now adjourn.

Mr. CONKLING. That is in order.

The PRESIDING OFFICER. The Senator from Pennsylvania moves that the Senate adjourn.

Mr. BAYARD. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 30, nays 22; as follows:

YEAS—30.

Allison,	Conkling,	McMillan,	Rollins,
Baldwin,	Davis of W. Va.,	Maxey,	Slater,
Blair,	Ferry,	Morgan,	Teller,
Booth,	Hill of Colorado,	Morrill,	Thurman,
Bruce,	Ingalls,	Paddock,	Wallace,
Cameron of Pa.,	Jones of Nevada,	Pendleton,	Withers.
Cockrell,	Kellogg,	Plumb,	
Coke,	Logan,	Pugh,	

NAYS—22.

Bailey,	Farley,	Jonas,	Saulsbury,
Bayard,	Garland,	Kernan,	Vance,
Beck,	Groome,	Kirkwood,	Walker,
Brown,	Hampton,	McDonald,	Williams.
Call,	Hereford,	Randolph,	
Eaton,	Hill of Georgia,	Ransom,	

ABSENT—23.

Anthony,	Dawes,	Johnston,	Sharon,
Blaine,	Edmunds,	Jones of Florida,	Vest,
Burnside,	Grover,	Lamar,	Voorhees,
Butler,	Hamlin,	McPherson,	Whyte,
Cameron of Wis.,	Harris,	Platt,	Windom.
Davis of Illinois,	Hoar,	Saunders,	

So the motion was agreed to; and (at eight o'clock and thirty-three minutes p. m.) the Senate adjourned.

IN SENATE.

THURSDAY, March 3, 1881.

The Senate met at eleven o'clock a. m. Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

DEATH OF SENATOR CARPENTER.

The VICE-PRESIDENT presented resolutions of the Merchants' Association, of Milwaukee, Wisconsin, relative to the death of Senator Carpenter; which were read, as follows:

DEAR SIR: At a meeting of the Milwaukee Merchants' Association, held February 26, 1881, the following preamble and resolutions were unanimously adopted:

The Merchants' Association is deeply impressed by the information of the demise of Matthew Hale Carpenter, one of the United States Senators from Wisconsin. No class of citizens place a higher value upon extraordinary abilities of a legislator than that which represents the sinews of a nation, the merchants, the commercial men of this country.

To be recognized by them as a representative of their great interests, as a statesman devising means which tend to increase the material prosperity of the country, and as an illustrious defender of the principles underlying the whole fabric of our national existence, is an honor coveted by many and enjoyed by few.

The great Senator, whose death is mourned universally over the vast continent by individuals and communities alike, irrespective of political considerations, has been recognized during his public career as such representative, and shared the honors which a grateful people willingly offer.

His family has lost that which consolation cannot repair; his friends have lost a true friend, whose happy, genial disposition will forever be missed; the State and nation have lost his mature counsel and wisdom, the results of honest devotion to his duties and a fiery patriotism and inherent love for his country—all of which may not be easily replaced.

But his family and friends, the State and the nation, have gained in his public career, in his accomplishments and acts, an example worthy of emulation, and which will be secured to coming generations when the history of our time is recorded. The Merchants' Association hereby

Resolved, That the death of Senator Carpenter is a calamity to his family and friends, and a misfortune to the city and State which he represented in the National Legislature. That the association will attend his funeral in this city in a body; that a committee of ten, including the president of the association as chairman, proceed to Chicago to meet the senatorial delegation escorting the body of the dead Senator; that during the funeral rites and ceremonies in this city, business be entirely suspended.

Resolved further, That these resolutions be engrossed on the records of the association, and an official copy submitted to the family of the deceased Senator, to the

State Legislature, and to the honored body of which Mr. Carpenter was a conspicuous member.

J. A. ROUNDY,
C. T. BRADLEY,
H. M. MENDEL,
H. H. BUTTON,
J. M. CROMBIE,
C. E. ANDREWS,
Committee.

Hon. W. A. WHEELER, Washington, D. C.

The VICE-PRESIDENT. If there be no objection, the resolutions will be printed in the RECORD.

Mr. GARLAND. And entered on the Journal of the Senate.

The VICE-PRESIDENT. And also entered on the Journal of the Senate. The Chair hears no objection, and it is so ordered.

EXECUTIVE COMMUNICATION.

The VICE-PRESIDENT laid before the Senate a letter from the Secretary of the Interior, transmitting, in compliance with section 8 of the act of July 22, 1854, the papers in the New Mexico private land claim, No. 120, in the name of José Dominguez; which was referred to the Committee on Private Land Claims.

HOUSE BILL REFERRED.

The bill (H. R. No. 7254) supplemental to and amendatory of an act entitled "An act to facilitate the refunding of the national debt," was read the second time by its title, and referred to the Committee on Finance.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented the petition of H. M. Scudder and others, citizens of Brooklyn, New York, praying for the ratification of the proposed commercial treaty with China on account of the clause in it relating to the opium trade; which was referred to the Committee on Foreign Relations.

Mr. LOGAN. I desire to present, by request, a map by John Cowdon, and suggestions explaining it, in reference to the Mississippi River. I move its reference to the Committee on Printing, that it may be printed if the committee think proper.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. BLAIR, from the Committee on Pensions, to whom was referred the bill (H. R. No. 1830) granting a pension to Peter Grattan, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

Mr. WALLACE. I am directed by the Committee on Appropriations to report back with amendments the bill (H. R. No. 7251) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1881, and for prior years, and for those certified as due by the accounting officers of the Treasury in accordance with section 4 of the act of June 14, 1878, heretofore paid from permanent appropriations, and for other purposes. I give notice that I shall call up the bill when the morning business is completed.

ELECTRIC LIGHT.

Mr. McMILLAN (by request) submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Public Buildings and Grounds be instructed to inquire into the expediency of the appointment of a joint committee of three Senators, to be appointed by the President of the Senate, and four members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, to investigate the various systems of electric lights for illuminating purposes, in order that, after a careful examination into the various systems of electric lighting now in use, the Senate and House of Representatives may select for use in the city of Washington and for the Government buildings of the United States the most satisfactory as well as economical process: *Provided*, That all experiments shall be at the expense of the owners of the patents offering such examination.

SALLY M. BUCHANAN.

Mr. WHYTE. The other day, as the Chair will recollect, I asked the Senate to indulge me by taking up the bill granting a pension to Mrs. Sally M. Buchanan. The Senate, with almost one accord, agreed that as soon as the call of the Calendar had been run through, I should have the privilege of calling up that bill. I now ask unanimous consent to call it up.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 3292) granting a pension to Sallie M. Buchanan, widow of General Robert C. Buchanan. It directs the Secretary of the Interior to place on the pension-roll the name of Sallie M. Buchanan, widow of the late Robert C. Buchanan, colonel and brevet major-general in the United States Army.

Mr. WITHERS. As chairman of the Pensions Committee I will call attention to the fact that we had that case before us and reported it adversely upon the ground that the applicant is already in receipt of the pension provided by law for the widow of an officer of that rank.

Mr. WHYTE. The Senator misapprehends the case.

Mr. WITHERS. I profess to know something of what I am speaking about. There was a considerable number of applications for increase of pensions beyond the rate fixed by law for widows of deceased Army and Navy officers. During the present session, according to my recollection, those increases have not been granted. The effect of granting the increase, in my judgment, would be to insure similar action in all similar cases, of which there are certainly a considerable number.

I will state that in view of the magnitude of the pension appropria-